App. F. IX-4

Previous References.
Pris. 97-39-1,2,4,7
Pris. 2-42-19.

Later References.

19
File No. ~~2742~~
Serial Nos. 1 to 4.

PRESERVED
521

GENERAL AND REVENUE SECRETARIAT

Serial Nos. ~~1 to 4~~ four on 3

— for Nov. 1943.

Acts relating to **Part B for** Prisons Reforms.

SUBJECT

Mysore Prisons Act
Mysore Children Act
Mysore Borstal Schools Act
Mysore Probation of Offenders Act

To The Compiler, Mysore Gazette

Nos. RL: 195–198/Legis 19-43-1 to 4 dt 17-8-1943

Directs the publication of the Acts

PRISONS

219/41

General and Revenue Secretariat | File No. of 194 | [App. F. III-2

Serial No.

1) Submitted: The Prison Reforms Committee have appended to their report the following four draft bills

1) Prison bill
2) Children bill
3) Borstal School bill &
4) Probation of offenders bill.

If approved action may be taken to introduce these bills & place them at the ensuing Sessions of the R. A. (Oct 1941)

It is for consideration if in view of the short time left, these bills may be referred to the R. A & L. C. office for taking action in the matter according to the rules.

Submitted for orders. The Dir of Prisons has been requested to furnish his opinion on the several recommendations of the Prison Reforms Committee & his reply is awaited.

29/8/41

2) The Bills may be sent to the Asst Secy Legal for further action, after first accept the report of the P. R. C.

Law Secretary) 3/29/8/41

3) Mr. Varadarajan, Assistant Secretary, Protection Branch may review the report of the Prison Reforms Committee

Minister for Law. As such comprehensive review is necessary or desirable 3/1/8/41

5) Please deal further as personally instructed 3/1/9/41

4) He may be requested to send up his recommendations on each set of matters as he has completed consideration & not wait for one consolidated set of recommendations on the entire report

29/9

SECY. LAW DEPT. 29 AUG. 1941 GOVT OF MYSORE

The D. G has been written to as ordered.

6/9/41

OFFICE OF THE MINISTER FOR LAW SEP 1 1941 No. NOTE—Contn. Sheet

PRISONS

Bills to be placed at the R.

File No. of 194

General and Revenue Secretariat

Serial No.

6) For orders if the Vandavalan may be requested to take up the work. Yes.
(Law Secretary) 3/ 29/9/41.

7) He may also select one or two bills for this R. A. Session.
Hm 2/ 24/9/41.

8) For favour of perusal.
(Chief Secy. W/C.) Hm 2/ 6/9/41

MS 8/9/41

3) approved. The Supdt. Govt. Press may be requested to print the requisite number of copies of Borstal School Bill, Children Bill and the Probation of Offenders Bill and keep them ready for being despatched to us for distribution to the R. A. members. The Kanada Translator may also be requested to get these bills translated and printed for distribution.

Submitted for orders. General principles statement of objects & reasons on these bills will be put up & submitted on return of file.

18/9/41 (Law Secy.)

Hm 2/ 10/9/41.

10) Draft letter together with the fair copy is submitted for Hon'ble Appt. Signature.

Secy. 10/9

GOVT. OF MYSORE

6 - SEP. 1941 GOVT. OF MYSORE

SECY. LAW DEPT. 10 SEP. 1941 GOVT OF MYSORE

PRISONS

Bills — R A Octr. 1941

General and Revenue Secretariat

File No. of 194

App. F. III—2

Serial No.

Issued letter No P 1085 dated 10th Septr. 1941 to the Supdt, Govt Press.

11) To the Kannada Translation office for note & return. The translation of the bills may kindly be made & sent to the Press very early.

11/9/41

11/9

12) To the R.A & L.C. office for note & return.

11/9/41

11/9

BKR 11 9 41

Asst Secy Pro-For W.C.

12/9

E—Contn. Sheet.

WD 03967—GPB—5,000—30-8-41

Serial No.

13) The Prison Reforms Committee have appended the following four Bills to their Report:-

1) The Mysore Prisons Bill.

2) The Mysore Children Bill.

3) The Mysore Borstal Schools Bill.

4) The Mysore Probation of Offenders Bill.

As regards the first Bill, the Committee points out that the law relating to prisons in the Mysore State is the old Indian Act XXVI of 1870 and that it has not been amended or revised subsequently although the corresponding British Indian Act has been replaced by Act IX of 1894. The Committee recommend that our Act should be replaced at an early date by a more comprehensive measure adopted to the present time, and as a help to its preparation have appended a draft Bill to their Report.

14) The salient features of the Bill are --

(a) the definition of the term 'prison' is made more specific and any place declared by Government by a general or special order to be a subsidiary Jail will not, according to the provisions of the Bill, be a prison. This is an enabling provision and by means of it, effect may be given to the recommendations of the Committee (vide paras 10 and 24 of the Report) that unconvicted prisoners should be separated from convicted prisoners. Government may as proposed by the Committee

NOTE—Contn. Sheet.

WD 03967—GPB—5,000—30-8-41

declare the present magisterial lock-ups as subsidiary jails and use them solely for the detention of under-trial and remand prisoners and those committed for trial. Till such a declaration is made by Government, the present arrangement under which both unconvicted and convicted prisoners are detained in the same building will continue.

(b) Specific provision is made forbidding the employment on labour of any prisoner for more than 9 hours in any one day except on an emergency.(Clause 35).

(c) The nature and scope of prison offences as well as the punishments to be inflicted for such offences are clearly defined (Clauses 46 and 48).

(d) Wide powers of rule making are conferred on Government by clause 58 by means of which the recommendations of the Prison Reforms Committee may be implemented.

As regards the other three Bills, the Committee is of opinion that the Children Act and the Borstal Schools Act, together with the enactment relating to the Probation of Offenders, form the foundation on which all measures for the prevention and treatment of crime by the young are based. Speaking of the urgency of the enactment of the Children Bill the Committee observes:

"We fully realize that there may be initial difficulties, financial and other, in the way of establishing and equipping two different sets of special institutions to deal with a comparatively limited class of persons.

Serial No.

Instead of putting off indefinitely a most valuable and essential scheme of reform for want of funds, we think it is better in every way to take one decided forward step at once, and to follow it up with other steps as soon as resources permit. As between juveniles under sixteen and adolescents of and above that age, we have no hesitation in saying that the necessity for action is much more urgent and imperative in the former case than in the latter. We feel fortified in taking this view by the concurrence of experienced opinion elicited during our tours in the Madras and Bombay Presidencies."

The Committee further recommends that the Borstal Schools Bill may be taken up simultaneously with the Children Bill, even though its actual implementation may have to be postponed till some time after its promulgation.

As a matter of fact the enactment of all these three Bills does not commit Government in any manner, since their provisions become operative only when Government by a Notification apply the whole or any portion of the enactments in any local area.

Statements of the principles of all the four Bills are submitted for consideration.

15) It is for orders if all the four Bills may be placed before the coming session of the Representative

WD 03967—GPB—5,000—30-8-41

PRISONS 1541/341 P

Reforms — Bills — R.A. Sessions Oct 1941

File No. of 194 General and Revenue Secretariat

Assembly. If so copies of the Bills with their respective statements of principles will have to be despatched to the members before the 21st of this month.

JMW 13/9

Law Secy)

16) The three Bills viz (1) the Children Bill (2) the Borstal School Bill and (3) the Probation of Offenders Bill may be placed in R.A. Session Oct. 41

May be approved.

Minister for Law) Hm 13/9/41.

17) (1), (2) & (3) may be introduced. JMW 18/9.
The Prisons Bill may be put for the subsequent Session
Hm 18/9

All the four bills (including the Prisons Bill may be introduced. Hm 15/9/41.
The Bill as such does not involve financial commitments JMW 15/9
Be 15-9-41

18) This is a Council matter and may be disposed of by circulation.

In the meantime, the copies of the Bills will be sent to the R.A. to get them printed and sent to the members within the prescribed time.

Dewan) Hm 15/9/41. JMW 15/9

19) Yes. The High court may also be

DEWAN'S OFFICE SEP NO 2328

SEP 13 1941 No 2547

Prisons Bill etc 1541/P

	Serial No.	
Extracts of orders have been taken & the High Court is being addressed. b 16/9/41		consulted and their suggestions if any may be taken into consideration before the bill goes before the Legislative Council. Hlle 16/9/41
		90) For favour of circulation. ~~consider~~
		Chief Secy W.C.) Hm 16/9/41. JMW 16/9

Submitted with a circulation memo b 17/9/41

Signed MK 17/9

NOTE—Contn. Sheet.

1541

For Disposal by Circulation.

No. C. 241

of 1941-42.

21)

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

(1) The Mysore Prisons Bill.
(2) The Mysore Children Bill.
(3) The Mysore Borstal School Bill.
and (4) The Probation of Offenders Bill.

Circulated to the Council of Ministers.

By Order,

Chief Secretary to Government.

17th September 1941.

589
7.9.41

Minister for Finance and Revenue.

Minister for Law. (Seen)

Minister for Education

18-9-41

Minister for Local Self-Government and Public Health.

PRISONS 1321/ Bills — R.P.A. Ochr 1941

General and Revenue Secretariat | "Reforms" File No. | of 194 | [App. F. III—2

Serial No.

22) Draft Final Note is submitted for approval.

19/9/41

Let the D.F.N. be a little more elaborate

19/9

D.F.N. submitted for consideration.

21/1

Law Secy)

D.F.N. submitted

Law Minister.) 22/9/41.

F.N. signed by Minister.

24/9

Dewan)

DEWAN'S OFFICE
24. SEP. 1941
NO. 2512

OFFICE OF THE MINISTER FOR LAW
SEP 24 1941
No. 2925

NOTE—Contn. Sheet

WD 03967—GPB—5,000—30-8-41

Final Note by the Minister for Law.

Subject.—

Prisons Bill, Children Bill, Borstal Schools Bill and Probations of offenders Bill

The law relating to prisons in the Mysore State is the old Indian Act XXVI of 1870, introduced by a notification of the Governor-General in 1879, two years prior to the Rendition. It has not been amended or revised subsequently, although in British India the Act of 1870 has been replaced by the Act IX of 1894. The Committee on Prison Reforms in Mysore points out in the course of its Report that our Act is defective in various respects and has become out of date. The Committee recommends that the Act should be replaced at an early date by a more comprehensive measure adapted to the present time and as a help to its preparation, the Committee has appended to its Report a draft Prisons Bill, based on the provisions of the law now in force in British India, viz., Act IX of 1894.

The Committee has similarly found the Mysore Juveniles Act, XIV of 1939, to be very defective and has considered it essential that this Act should be replaced by new measures on suitable lines. It has accordingly recommended the enactment of two independent Acts, viz., (1) the Children Act to deal with juveniles and juvenile offenders below sixteen years of age and (2) the Borstal Schools Act to deal with adolescent offenders bove the age of sixteen and below twentyone. To facilitate the arly introduction of the scheme, the Committee has drafted and ppended to its Report two Bills, the Children Bill and Borstal chools Bill.

Further, the Committee recommends that the Children Act nd the Borstal Schools Act may be supplemented by an Act for th elease on probation of offenders. The Committee has prepared a raft Bill which extends to adult offenders the system of probation allowed for juveniles under the Children Act, thus providing

providing a useful alternative to unconstructive imprisonment

It is proposed to place all the four Bills with their respective statements of principles before the ensuing Session of the Representative Assembly and to introduce them thereafter in the Legislative Council.

The above proposal has been agreed to by the Dewan the other Ministers. The Bills have been included in the agenda of the Representative Assembly in anticipation of His Highness' gracious sanction.

I solicit the gracious sanction of His Highness to the introduction of these Bills.

MINISTER FOR LAW.

Camp Mysore,
24th September 1941.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the Prisons Bill, the Children Bill, the Borstal Schools Bill and the Bill for the release on probation of offenders, for His Highness's gracious sanction.

K. M. Madhava Rao

DEWAN.

Mysore,
24th September 1941.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

The Prisons Bill, the Children Bill, the Borstal Schools Bill, and the Bill for the release on probation of offenders.

Secretariat.

SUBJECT :—

The Prisons Bill, the Children Bill, the Borstal Schools Bill, and the Bill for the release on probation of offenders.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orbers before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

...Law.....Department.

2302 / 17.10.41 — Minister for Finance and Revenue. 20/10

3644 / 14.10.41 — Minister for Law. 2-10-41

2270 / 14.10.41 — Minister for Education. 14.10.41

2262 / 17.10.41 — Minister for Local Self-Govt. and Public Health. 17.10.41

Law Secy with compliments.

17.10.41

NOTE.—Contn. sheet

PRISONS

1541

General and Revenue Secretariat — Bills — Enactments — File No. of 194 — [App. F. III—2

Serial No.

27) If approved the file will be sent to the R.A. & L.C. office for further action.

Sd/ 28/10/41 — Sd/ Secy Legis — Sd/ 23/10/41

OFFICE OF THE SECRETARY
23 OCT. 1941
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

28) These Bills were included in the Agenda of the last Session of the R.A. but could not be taken up for want of time.

Reference is invited to the Dewan's minute that the High Court may be consulted. ~~This file may~~ As the Bills can be taken up only at the next session of the R.A, the suggestions of the High Court may be considered in the meanwhile and ~~the~~ ~~Bill~~ orders thereon obtained if necessary. The file will be returned to the adm.e Branch for action.

Submitted for perusal

Sd/ 23.10.41

Law Secy

29) The High Court may be consulted.

Hm 27.10.41.

30) It is ascertained that the adm.e Section have addressed the High Court. The file will be sent here to consider suggestions if any of the High Court

Sd/ 29.10.41 — Sd/ 30/10

SECY. LAW DEPT. 25 OCT. 1941 GOVT OF MYSORE

31) Is the draft — Sd/ 30/10

32) Submit. This has been done separately (Bill Clerk) — Sd/ 30/10/41 — Sd/ 31/10/41

33) The file will be transferred to the R.A. & L.C. office after receiving the opinion of the High Court. — Sd/ 30/10 — Sd/ 30/10

Sd/ 30/10/41

NOTE—Cover Sheet.

WD 03967—GPB—5,000—30-8-41

PRISONS

Bills

File No. of 194 — General and Revenue Secretariat

Submitted: Kind reference is invited to the Dewans' notes at para 19 of the notes supra.

The High Court have not sent their views in the matter and a reminder has been sent to the Registrar recently. As their views would be required before the bills go before the L.C. the file will if approved, be sent to the R.A. office for placing the bills before the R.A. in the ensuing Session.

The Regr H.C. will be reminded again if the replies not received by the 20th instant.

The file should have been put up earlier. MRN 4/5

11/5/42

The following four Bills recommended by the Prison Reforms Committee were included in the Agenda of the Dasara Session of the R.A, 1941 —

1) The Prisons Bill
2) The Children's Bill
3) The Borstal Schools Bill
4) Bill for the release on probation of offenders.

The Bills were not however taken up for consideration for want of time. Thus for consideration and

Prison children, Births 4

1167 RL

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

orders if these Bills are ~~to be~~ summoned in the Agenda for the coming session.

MKV 11/5

Law Secy)

Orders have been obtained in R.A Section on this question.

For a note.

R.A Section)

Hm 2 11/5/42 MKV 12/5

The file where separate orders have been obtained in this matter is put up.

DM 12.5.42 For perusal before sending the file to Protection Branch.

BVN 12/5/42 Secy RA Sec) 12/5/42

Protn Br) BVR 12.5.42 MKV 12/5

The file will be returned to the R.A. office. The papers placed before Cabinet orders for the inclusion of the four Bills in the Agenda.

MKV 13/5

12/5/42

To the R.A. Office

12/5

Please include in list of business

16.5.42

SECY LAW DEPT 4181 11 MAY 1942 GOVT OF MYSORE

MAS 1942

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

Serial No.

Certain amendments have been received to the Mysore Prisons Bill. The amendment proposed by Mr. K. Narayana Setty relates to the definition of political prisoners. The question of political prisoners has been considered in detail by the Prison Reform Committee and they have not recommended any statutory recognition of political prisoners or political offences as such. The Committee has however, recommended that prisoners may be divided into certain classes with difference in respect of diet, clothing, certain facilities, etc. It has also recommended that political prisoners should be kept quite separately from the rest of the prison population. No provision has however been considered necessary in the Bill in this respect.

Pages 43 to 50 of the Report

The definition as proposed to amend the 'political' prisoners would come under 'Criminal' prisoners. It should be offence — B/5/42

The first amendment by Mr. T.S. Rajagopala Iyengar refers to the appointment of non-official committee for every prison. The Prison Reform Committee have recommended for the appointment of a Board of Visitors consisting of officials as well as non-officials And for this purpose no amendment of the Bill appears to be necessary.

Pages 225 to 233

Amendment No.2 proposed by Mr. T.S. Rajagopala Iyengar refers to the punishment for prison offences and requires that the provision for separate confinement ~~or~~ & the provision for cellular confinement should be abolished. These provisions are in existence in British India since 1894

NOTE—Contn. Sheet.

Mysore Prisons Bill
amendments

File No. of 194 .

General and Revenue Secretariat
R. A. & L. C.

Serial No.

hen the prison act was passed there, and no question f any misuse of these powers appears to have been oticed. Even the Prison Reform Committee has not ecommended their deletion. Such confinement may be xpected to be for serious prison offences. ~~Such~~ Separate Confinement allows work for an hour & association with other prisoners. onfinement secludes a person from communication but ot from sight of other prisoners. Where separate onfinement exceeds one month, the previous confirmaion of the Inspector-General is also necessary under lause 49. For these reasons the amendments may be opposed.

Pages 82 & 91 Cellular

Page 340 of the Report

The third amendment provides for the different classes of prisoners being kept and maintained separately from each other. It is submitted that clause 27 of the Bill contains sufficient provision for this purpose. In regard to the political offenders and persons convicted of offences against the State which is referred in the proposed sub-clause (2), it is submitted that such a distinction between political and other offences is not countenanced by the Prison Reform Committee Report ~~nor by the law in force~~ in most of the British Indian Provinces. This amendment also may be opposed.

Report: These concessions are sought to be given by administrative orders not by Statute.

Secy (Revenue) 30 5 42

BKR 30.5.42

Law Secy

Law Secy 30/5

Cus 30-5-42 BKR 30.5.42

RLM 31/5/

Serial No.

Mr. T.S. Rajagopala Iyengar has sent notice of an amendment to the Mysore Probation of Offenders' Bill.

Under clause 5(1) of the Bill a court instead of sentencing an offender to any punishment, may direct his release on probation provided that the offender or one of his sureties has a fixed place of abode or occupation within the local limits of the court's jurisdiction. By the amendment this requirement about residence or occupation within the court's jurisdiction is sought to be removed. The amendment has to be opposed for the following reasons:-

1) The Bill is one drafted by the Prison Reform Committee which has unanimously recommended its adoption.

2) The Bill follows the Probation of Offenders Act of Bombay passed in 1938 where a similar provision occurs.

3) The probation order is really a postponement of passing sentence during a specified period when the offender is on probation of good conduct. It is necessary that the court should continue to have jurisdiction over him or his surety so that it may call him and pass sentence should he break any of the terms of the bond. For this purpose it is very necessary that the offender or the surety should reside within the court's jurisdiction. The amendment has proposed to be

NOTE—Contn. Sheet.

Mysore Probation of Offenders Bill

File No.. amendments 1225 of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

Opposed.

30.5.42

Secy (A&R)

BKR 30.5.42

Law secy

Cus 30.3.42

Minister for Jail Law Devan

BKR 30.3.42

30/5

31/5/42

Cus 1-6-42

File received from pro. Br. on 6-10-42

6.10.42

OFFICE OF THE
MAY 30 1942
No. 12254

Bills relating to the prison Reform

General and Revenue Secretariat
R. A. & L. C.

File No. 3145 P/42 of 194 219 R [App. F. III–2

1225

Serial No.

The principles of the Mysore prisons Bill were placed before the R.A. on 16-10-42 and approved by the House unanimously.
The other Bills relating to the prison Reform namely, the Mysore Children Bill, the Mysore Borstal Schools Bill and the Mysore prevention of Offenders Bill, were placed before the R.A. on 17-10-42, and were put to the vote and passed.
It is submitted for consideration whether these Bills may be published under orders of the Dewan under Rule 36 of the Mysore Legislative Rules, 1941.
The Statements of principles will be adopted as the Statements of Objects and Reasons.

Submd.
24.
10/11/42
10-11-42
Permission is solicited for the Publication of these 4 Bills under the orders of the Dewan under rule 36.
The St. of principles appear to be comprehensive and will, if approved, be adopted as the St. of Objects and Reasons.

10. 11. 42

Secy
Law Secy
10-11-42
The Law Minister

SECT. LAW DEPT. 4953 11 NOV 1942 GOVT OF MYSORE

NOTE—Contn. Sheet

Serial No.

is considering my suggestion for amendment of s.

Bring up in person as soon as that file is received

[illegible]
12-11-42

BXR
12.11.42

The question of amending may be considered at a later stage

May be published now

[illegible]

[illegible]
12-11-42

BXR
12.11.42

[illegible]
12/11/42

[illegible]
13.11.42

BXR
13-11-42

HV.I.V.

Please attend carefully to the numbering of the Clauses of the Children's Bill (including the Clauses now appearing in the body).

Instructions have been duly attended to

3.11.42

Bills re: prison Reforms

General and Revenue Secretariat
R. A. & L. C.

File No. 219/A of 194

[App. F. III–2

Serial No.

Draft Notifications are submitted for approval.

Issue put up
[illegible]
14.11.62

Compiler, Mysore Gazette

RL 581 Legis 30-42-1 dated 14.11.62

RL 582 Legis 28-42-1 "

RL 583 Legis 27-42-1 "

RL 584 Legis 29-42-1 "

Directs the publication of the Bills in the Gazette under rule 36 of the Mysore Legislative Rules

These Bills may perhaps require to be referred to a Select Committee. There are certain amendments suggested by the High Court which could be appropriately considered in the Select Committee.

Though the motions have to be separate and the constitution of the Select Committees made separately and their reports are submitted separately, still since these Bills are a result of the deliberations of the same Prison Reform Committee and are allied, it may be desirable that the personnel of the 4 Select Committees is the same so that they may be considered in Committee together.

The other suggestions for amendments may also be considered in the Select Committee
[illegible]
17.11.62

NOTE—Contn. Sheet

Bills relating to prison Reforms

File No. of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

May be decided a day before the motion is made after consulting them.

If the above is approved, the following motions are suggested for the L.C. in the name of the Law Minister.

1. to introduce the Bill.
2. to move that the Bill be referred to a Select Committee.

Secy
Home Dept
16.11.42

BXR
16.11.42

Law Secy

17-11-42

Minister Law

BXR
18.11.42

19/11

19-11-42

BXR
19.11.42

19.11.42

NOV 18 1942
4350.

SECY. LAW DEPT.
5310
17
GOVT OF MYSORE

Bills relating to prison Reform

General and Revenue Secretariat
R. A. & L. C.

File No. of 194 [App. F. III–2

Serial No.

Supd

These four Bi... introduced in the Legislative Council on the 10th Dec 1942. After general discussions, motions were moved on the same day to refer them to Select Committees for scrutiny and the motions were adopted.

The following are the members of the respective Committees:

(1) The Mysore Prisons Bill:—

Mr. A. V. Ramanathan (Chairman)
" M. Seshadri
" V. V. Monteiro
" C. Narayanaswamy Naidu
" C. Lakshmana Gowda
" C. Narasimhiah
" K. T. Vasudeva Reddy
Khan Bahadur Mahomed Abbas Kha
" S. Narayana Rao
Dr. J. C. M. Ryan
Mr. B. S. Puttaswamy
" A. K. Jayamuthu Raju
" Belur Srinivasa Iyengar
" A. Bhimappa Naik

(2) The Mysore Children Bill:—

Mr. A. V. Ramanathan (Chairman)
" M. Seshadri

NOTE—Contn. Sheet

Bills relating to prison Reforms

File No. of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

Mr V.V. Monteiro
" A.R. Wadia
" C. Narayanaswami Naidu
" C. Lakshmana Gowda
Mrs Nagamma Srikantiah
Mr Devarao Shivaram
" Belur Srinivasa Iyengar
" A.R. Badri Narayan
" G.S. Nabrulla Sheriff
" M. Madiah

(3) The Mysore Borstal Schools Bill:-
(1) Mr A.V. Ramanathan (Chairman)
" M. Seshadri
" V.V. Monteiro
" A.R. Wadia
" C. Narayanaswami Naidu
" C. Lakshmana Gowda
Mrs Nagamma Srikantiah
Mr Devarao Shivaram
" Belur Srinivasa Iyengar
" A.R. Badri Narayan
" G.S. Nabrulla Sheriff
" M. Madiah

(4) The Mysore Probation of Offenders Bill
Mr A.V. Ramanathan (Chairman)
" M. Seshadri
" V.V. Monteiro

Bills relating to prison Reform

General and Revenue Secretariat
R. A. & L. C.

File No. 219/N of 194 [App. F. III–2

Serial No.

Mr. C. Narayanaswami Naidu
" C. Lakshmana Gowda
Dr. F. X. De Souza
Mr. H. Venkataramana
" L. S. Raju
" M. Ramachandra Rao Sindhe

Dates will have to be fixed for convening the meetings of the Select committees

Submitted for orders

N
8-1-43

BVN
8-1-43

Subject

Orders have been obtained in a separate file (Vide linked file) for summoning the meetings of the Select committees in respect of the above Bills.

The meeting of the Select committee on the Mysore prisons Bill (which comes first in point of time) has been fixed at 1 p.m. on Friday the 26th February and, if necessary, on the 27th February at

A draft G.O. is submitted for approval

N
13-2-43

Done
BVR
13-2-43

Issued vide No 763-78/RL dated 15-2-43

NOTE—Contn. Sheet

States that a meeting of the Select Committee will be held on Friday 26th Feb 1943.

219/N.

Prison Reform - Bills

File No. of 194

General and Revenu Secretariat
R. A. & L. C.

Serial No.

The Select Committee on the Prisons Bill is summoned to meet on the 26th instant.

In the linked file the Law Secretary has suggested amendments of the Bill in two ~~these~~ respects

1. omission of Cl 3 (1) (c).
2. amendment of Cl 47 (10).

Secy
(R.A.L.C.)
17.2.43

BXR
17.2.43

Law Secy)
please put up on the 25th
17-2-43

The Select Committee meeting is fixed for 1 P.M on the 26th inst. The file is submitted for perusal

BXR
18.2.43

Education (Minister)

1.2.43

SECRETARIAT CENTRAL
17
GOVT OF MYSORE

OFFICE OF THE MINISTER FOR EDUCATION
Date 23.2.43
No. 4351

Bills relating to the prison Reforms

Continuation Sheet. File No. / Current No. 219 Rl of Page

OFFICE OF THE MINISTER FOR EDUCATION
Date 16/4/43
No. 90

The File is submitted for perusal.

The Select Committee meeting is fixed for 1 P.M. to-morrow

BXR
8-4-43

Education Minister)

The meeting was held in the Chambers of the Education Minister at 1 P.M. on Friday, the 9th inst. All the members were present except Mr. H. Venkatarama Iyah

The draft report of the Committee is put up for approval.

BXR
15-4-43

6068/19.4

Education Minister)

20.4.43

BXR
20-4-43.

Sub-

Typed copies of the Select committee report are being prepared and will be sent to the members as soon as they are ready, for approval and return

Draft forwarding them to the members is put up for approval.

27/4/43 BVM 27/4

Bills relating to prison Reforms

Continuation Sheet. File No. / Current No. of Page.

Attached No 5867-72 LC dated 29-4-43.
From the Secy to Govt Law Dept
forwards the S.C. Report with his approval thereto
From Mr. L.S. Raju, M.L.C.
wards the S.C. Report with his approval thereto

to. Signed copies of the select committee
port on the Hybre proposition of Offenders
ill have been received from all the
embers who attended the meeting.
One copy of the report as approved by the
embers and the amended Bill are
put up for approval.

OFFICE OF THE MINISTER
FOR PUBLIC WORKS
13 MAY 1943
No. 6578

DN
10.5.43
BVD
10/5

Secy
RA-Le

BVD
10.5.43

BXR
10-5-43

P.W. Minister

JTB
17.5.43

BXR
17.5.43

BVD
17.5.43

The Select committee Reports on the Mysore prison Bill the Mysore Borstal Schools Bill and the Mysore Children Bill, and the Bills as amended by the respective Select committees have been published in the Official Gazette dated 21st May 1963

The following motions are suggested for inclusion in the Agenda for the Legislative council.

1. The Minister for Law to present the report of the Select Committee on the Mysore prison Bill

2. Minister for Law to move that the Bill as reported by the Select committee be taken into consideration

3. Minister for Law to move that the Bill be passed.

Similar motions will be suggested for the Mysore Borstal Schools Bill and the Mysore Children Bill.

The Select committee report on the Mysore probation of offenders Bill and the Bill as amended by the Select committee have been published in the Official Gazette dated 3rd June 1963.

The following motions are suggested for inclusion in the Agenda for the Legislative council:—

Bills relating to prison Reforms

Continuation Sheet. File No. / Current No. 219/xl. of Page.

1. Minister for Law to present the Report of the Select Committee on the Native probation of offenders Bill

2. Minister for Law to move that the Bill as reported by the Select Committee be ~~re-circulated~~ circulated for eliciting public opinion thereon by the 30th October 1943.

Secy. for ~~consideration~~ approval

2. Also to move that the Bill as reported by the Select committee be taken into consideration

3. Also to move that the Bill be passed

2N. 8/6/43

2N. 5/6/43

The S.C. on the Probation of Offenders Bill has recommended republication. The Constitutional significance of such a recommendation is that the S.C. has in effect asserted that the ~~Minister~~ Minister in charge should move for circulating the Bill into Public opinion. Agreeable to this Convention the above motions have been suggested.

Secy. 5/6/43

Please test copies of the S.C. report & Bills as amended in the file

This is the Convention observed in the Indian Legislative Assembly

BR 5-6-43

P12 Prior Before Bills

Continuation Sheet: File No. / Current No.

There is no precedent in Bombay to indicate the effect of a recommendation for republication. But the Convention in British India is well settled on this point. An enquiry was recently made of the Central Legislative Assembly and the reply was that its effect is well understood to be one for circulation of the Bill.
Submitted with reference to Law Secretary's note above.

Secy. (RA Le) 7.6.43

MRR 7.6.43

(Law Secy.) -
The usual motions may be put up. It was not the intention of the S.C. to circulate the Bill. Our Rules do not require such circulation in such cases

Necessary changes have been made in the motions in respect of the prevention of offences Bill, as ordered above

These Change motions suitably

7.6.43

These Bills were introduced in the Legislative Council at the recent Budget Session 1943.
Some amendments were tabled for the Children Bill, Borstal Schools Bill and

Bills relating to prison Reforms

proposition of Offenders Bill. one amendment to the Borstal Schools Bill was the only amendment accepted and adopted by the House. These four Bills were finally passed by the Council

Copies of the Bills as finally passed in the council and signed by the president, Legislative council, are put up herewith.

Flags M, N, O, P.

A. D. F. N is submitted for approval

N 5/7/43

Secy (RA: Lc) 15.7.43

BXR 15/7

BXR 15-7-43

Law Secy (on leave) BXR 16.7.43

Minister for Revenue & Law

17.7.43

OFFICE OF THE MINISTER FOR REVENUE & LAW 16 JULY 1943 No. 1483

Signed Final Note in duplicate is placed below.

GS 19/7

A.D.S.N. is Submitted for approval

1/7/43

Secy (RA: Lc) 19-7-43

BXR 19.7.43

Dewan

Final Note by the Minister for Revenue and Law.

Subject.— Promulgation of the Prisons Bill, Children Bill, Borstal Schools Bill and Probation of Offenders Bill.

On the 5th October 1941, the gracious approval of His Highness was accorded to the proposal to place the Prisons Bill, Children Bill, Borstal Schools Bill and Probation of Offenders Bill before the Representative Assembly and the Legislative Council, Though included in the agenda of the session of the Representative Assembly held in October 1941 and June 1942, these Bills could not be proceeded with for want of time. The Bills were, however, placed before the Representative Assembly during its session held in October 1942 and met with the approval of that House. The Bills were, thereafter, introduced in the Legislative Council during its session in December 1942 and all the four Bills were referred to Select Committees. The Bills, as reported by the Select Committees, were taken into consideration during the recent session of the Legislative Council. Some amendments were tabled for the Children Bill, Borstal Schools Bill and Probation of Offenders Bill. One amendment to the Borstal Schools Bill was accepted and adopted by the House. The other amendments were either not moved, moved and withdrawn or moved and lost. These four Bills were finally passed by the Council.

Copies of the Bills, as finally passed in the Council and signed by the President under Standing Order 44 of the Mysore Legislative Council Standing Orders are submitted herewith.

I solicit the gracious sanction of His Highness to promulgate the Bills into law.

K V Anantharaman

Bangalore,
17th July 1943.

Minister,
Revenue and Law.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Revenue and Law on the subject of the promulgation into law of the Prisons Bill, Children Bill, Borstal Schools Bill and Probation of Offenders Bill, for His Highness's gracious sanction.

N. Madhava Rau

Bangalore,
19th July 1943.

D E W A N.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to promulgate into law the Prisons Bill, Children Bill, Borstal Schools Bill and Probation of Offenders Bill.

General and Revenue

Secretariat.

SUBJECT :—

Proposal to promulgate into law the Prisons Bill, Children Bill, Borstal Schools Bill and Probation of Offenders Bill.

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Vidyasankar
Chief Secretary to Government.
30/7/43

Through the Secretary to Government,

Law Department.

30-7-43

Minister for Revenue and Law. P.A
6.8.43

Minister for Public Works. 29-7.

Minister for Local Self-Govt. and Public Health. 31.7.43

Minister for Industries and ~~Commerce~~ Supplies.

Minister for Education.

NOTE.—Contn. sheet

02718—GPB—500—21-4-43

Law Sec'y
W/Comm

6-8-43

Bills relating Confirmed

Continuation Sheet. File No. / Current No. 219/N of Page.

orders are solicited as to the date on which the Mysore prisons Bill shall come into force

10/8/43 Where dates are left unfilled

10/8 in Bills they are usually filled up by means of motions in the Legislative body which passes it. In the present case this was omitted by oversight. As the Act does not affect individuals personally or affect their rights the date may perhaps be incorporated now.

It is for ados if date in 1(3) and 2 may be fixed as the ~~1st~~ 15th day of September 1943. This would give time to the admn. Ministry to either frame new rules or keep alive old rules under the new Act.

SECY. LAW DEPT. 1477 GOVT OF MYSORE

Secy RA. Le) 10.8.43

11.8.43

Law Secy.

S. 5 of the General Clauses Act applies

11-8-43

11.8.43

11.8.43

The Mysore prisons Bill
The Mysore Children Bill
The Mysore Borstal Schools Bill
The Mysore prevention of offenders Bill.

The gracious assent of His Highness the Maharaja was accorded on 28th July 1943 to promulgate the marginally noted Bills into law

Bills relating to prist on Reform 1668/43 P.D.

Continuation Sheet. File No. / Current No. 219/N of Page.

e. Draft G.O's directing the publication of the Acts as Acts Nos. ~~XLIV~~, ~~XLV~~, ~~XLVI~~ & ~~XLVII~~ respectively, are submitted for approval

N 12-8-43

Sec. (R.A. & L.)

12.8.43

12-8-43

1544

Law Secy.)

Cus 12 8/43

Secy

13.8.43

The compilation Mysore Gazette

No. RL 195 – Legis 19-43-1 dated 17th Aug 43

No. RL 196 – Legis 19-43-2 dated "

No. RL 197 – Legis 19-43-3, dated "

No. RL 198 – Legis 19-43-4, dated "

records the publication of the Acts in the Gazette

Acts have been published in part IV of the Mysore Gazette dated 19th Aug 1943.

The file ~~will be sent, if applied,~~ to the Protection Branch for information and for returning the file when done with

28/8/43

Yes 28/8/43

W.K.J.

Protection Branch)

31/8

Note. The file may be returned to the Leg. Office after perusal. Sepan Achin

PRISONS 166

Continuation Sheet. File No. Prisons Acts etc / Current No. of 219/M. Page.

will be taken separately as regards the passing of necessary rules etc on the relevant sections of the Act.

31/8

31/8/43

To the L.C. Office

31.8.43

31.8.43

Spare copies of the Mysore prisons Act, the Mysore Children Act, the Mysore Borstal Sch Act and the Mysore prevention of offenders Act 1943 are put up herewith.

The file will be recorded if approved.

The linked file which deals with the same subject will also be closed and recorded

8/11/43

8/11/43

(4764/p 741)

8/11/43

OFFICE OF THE SECRETARY
Mr. 2. V.
31 AUG. 1943
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

OFFICE OF THE SECRETARY
1943
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

The Superintendent,

Government Press,

Bangalore.

Sir,

I am directed to forward herewith a copy of the Report of the Prisons Reform Committee containing the marginally noted* draft bills and to request you to be so good as to arrange to set in type the three Bills and keep the proofs corrected ready for being printed on further communication from this Office.

* Children Bill, Borstal School Bill and Probation of offenders Bill.

The matter may kindly be treated as immediate. The Bills will have to be placed before the ensuing sessions of the Representative Assembly (October 1941) The Kannada translation of the Bills will be sent to you in a few days for being seing similarly set in type.

I have the honour to be,

Sir,

Your most obedient servant,

For Secretary to Government,
Law Department.

Amendment to Bill proposed by

Mr. T.S. Rajagopal Iyengar.

I. THE MYSORE PROBATION OF OFFENDERS BILL.

In section 5 (b) in the proviso, omit "within the local limits of its jurisdiction" (in lines 4 and 5).

Amendment to the Mysore Prisons Bill, proposed by Mr. K. Narayana Setty, Member, Representative Assembly, Magadi.

Add the following as clause 4 (a) in section 3 (Definitions) of the bill.--

"Political prisoner means any prisoner who is neither a criminal prisoner nor a civil prisoner".

K. Narayana Setty

Representative Assembly Member,
Municipal Councillor and
Apex Bank Director.

MAGADI

Date 194

OFFICE OF THE SECRETARY
W.D.S.
29 MAY 1942

గౌ॥ జిల్లా కలెక్టరు గారికి మాగడి తాలూకా బోర్డు సభ్యుడు నా పేరు
29.5.42 నాడు సమర్పించిన విజ్ఞప్తి పత్రానికి సంబంధించి నా వివరణ కే. నారాయణ
సెట్టి వారు.

8 వ్యక్తిగతాలు పంచాయితీ వారి ఇంటి పన్నుగా వారు వసూలు
చేయు చున్నారు.

శాసనం 4.A రాజు ఇంటి పన్ను వసూలు చేయడి ,, ఎందరో వ్రాయు నిబంధన
లో వ్యక్తి అనుచోట మనుష్యులు అని వ్రాయబడియుండు అవకాశం.
ఈ అంశం తాలూకా బోర్డు సమావేశములో ఇదివరకే (ఆదివారి) తీర్మానం చేసి పంపించి వేయబడి
ఉన్నది

K. Narayana Setty
Magadi

28/5/42
Magadi

Statement of principles of the Mysore Prisons Bill.

The law relating to prisons in the Mysore State is the old Indian Act XXVI of 1870, introduced by a notification of the Governor-General in 1879, two years prior to the Rendition. It has not been amended or revised subsequently, although in British India the Act of 1870 has been replaced by Act IX of 1894. The Committee on Prison Reform in Mysore points out in the course of its Report that our Act is defective in various respects, and has become out of date. The definition of the term 'prison' in the Act is not as specific as that given in the later British Indian enactment. Further the provisions of the old Act in regard to prison offences and punishments, are not sufficiently comprehensive, and do not cover various matters deal with in this Mysore Jail Manual. The Committe recommended that the Act of 1870 should be replaced at an early date by a more comprehensive measure adopted to the present time. As a help to its preparation the Committee appended to its Report a draft Bill, based on the provisions of the law now in force in British India - Act IX of 1894. It is considered desirable to adopt this Bill and pass it into law.

Statement of principles of the Mysore Children Bill.

The problem of youthful delinquency, its causes and remedies, were considered by the Prison Reform Committee, and the Committee was of opinion that in dealing with this problem account had to be taken not only of those who have committed offences, but the many more who are likely to drift into crime unless previously taken in hand. Special legislation is found to be necessary (in the opinion of the Committee) for the systematic carrying out of suitable measures of prevention and reformation. Such legislation in the opinion of the Committee falls under two main classes. The first, embodied in the Children Acts, is aimed principally at the rescue and protection of boys and girls, with a view to prevent them from becoming potential criminals; it also provides for the treatment of such juveniles as have become offenders, so as to save them from growing up into adult criminals. The second, represented by the Borstal Acts, deals with offenders between the ages of sixteen and twenty one, who are likely to make good if properly trained in a special institution instead of being committed to prison. Besides these, there are Acts for the release of offenders, including those of adult age, on a system of probation, as an alternative to mere unconstructive imprisonment.

The English Children Act of 1908 and the Prevention of Crime Act of 1908 have been followed by the British Indian Provinces which have passed their own Children and Borstal Acts.

The Mysore Juveniles Act, XIV of 1939, incorporates many of the more important provisions of the Children Acts and Borstal Schools Acts in force in Madras and Bombay. Supervision and probation, the appointment of duties of probation officers, and other connected points covered by the Probation of Offenders Acts of those provinces, are not dealt with in that Act and have not been provided for separately.

The Committee have pointed out several defects in the Mysore Act. It deals not only with 'youthful offenders', but also with juveniles who have not committed any offence, but who, owing to want of parental control, bad associations or other reasons, need protection and training. Instead of (as elsewhere) having separate institutions, for children and young persons below sixteen, and for actual delinquents between sixteen and twentyone, it contemplates the detention of all persons under eighteen years of age in one single institution, to be called by a name reserved elsewhere for a special type of institution, the Borstal School.

In the opinion of the Committee it was serious error to set aside the necessity for differential treatment based on differences of physical growth and mental development, and

to assume that the appropriate treatment for persons of tender age, whether criminals themselves or the victims of others' crimes, was that which could be given in a Borstal School. For the latter is a more or less (semi-) penal, corrective, institution meant for adolescent offenders, that is, for persons who, at the time of conviction or of failure to give security, are not less than sixteen years or more than twenty-one, whereas what young persons under sixteen need most of all is protection, prevention and education under suitable conditions in school-like surroundings.

In view of these and other considerations, the Committee considered it essential that the Act should be thoroughly revised and recast, or better still replaced by new measures, on suitable lines. It has accordingly recommended the enactment of two independent Acts, viz., (1) the Children Act, to deal with juveniles and juvenile offenders below sixteen years of age and (2) the Borstal Schools Act to deal with adolescent offenders above the age of sixteen and below twenty-one. To facilitate the early introduction of the scheme, the Committee have drafted a Bill, based mainly on the Bombay Children Act, 1924, as amended from time to time, and appended it to their Report.

It is considered desirable to adopt this Bill.

The purpose of the Children Act is bot preventive and remedial. It aims at the rescue of many types of boys and girls under

sixteen years of age, who are the victims of bad conditions or of exploitation at the hands of older persons, and thereby it seeks to prevent them from falling into crime or vice. It also takes in hand juveniles who have become offenders, and endeavours by wise methods of treatment to reform and rehabilitate them in society.

JKW 13/9

Statement of principles of the Mysore Borstal School Bill.

The Children Act and the Borstal School Act together with the Act for the Release on Probation of Offenders, form in the opinion of the Prison Reform Committee, the foundation on which all measures for the prevention and treatme of crime by the young are based. The need for two independent enactments, viz., the Children Act and the Borstal Schools Act, in place of the existing Juveniles Act of 1939 has been indicated in the statement of principles of the Children Bill.

The Committee have drawn up a Bill to provide for the establishment of Borstal Schools, and it is considered desirable to pass it into law.

The Bill deals with offenders betwee the ages of sixteen and twentyone years, who are likely with proper tr :o turn out well. Instead of subjecting them indiscriminately to the hardening rocess of imprisonment, it selects such of them as are likely to be benefited thereby to undergo a course of corrective and reformative treatment and training in a residential institution on public school

Statement of principles of the Bill for the Release on Probation of Offenders.

The Committee on Prison Reform recommended that the Children Act and the Borstal Schools Act may be supplemented by an Act for the Release on Probation of Offenders. They accordingly prepared a draft Bill, which it is considered desirable to bring into force.

The Bill extends to adult offenders the system of probation allowed for juveniles under the Children Act. It thus provides a useful alternative to unconstructive imprisonment. Treatment on probation has been found in the West to be a most successful method of dealing with a certain type of offender; and given effective arrangements for supervision and guidance, there is no reason why it should not prove equally successful in this country.

Statement of principles of the Mysore Children Bill.

The problem of youthful delinquency, its causes and remedies were considered by the Prison Reform Committee, and the Committee was of opinion that in dealing with this problem account had to be taken not only of those who have committed offences, but the many more who are likely to drift into crime unless previously taken in hand. Special legislation is found to be necessary in the opinion of the Committee for the systematic carrying out of suitable measures of prevention and reformation. Such legislation in the opinion of the Committee falls under two main classes. The first, embodied in the Children Acts, is aimed principally at the rescue and protection of boys and girls, with a view to prevent them from becoming potential criminals; it also provides for the treatment of such juveniles as have become offenders, so as to save them from growing up into adult criminals. The second, represented by the Borstal Acts, deals with offenders between the ages of sixteen and twentyone, who [illegible] make good if properly trained in a special institution, instead of being committed to prison. Besides, these, there are Acts for the release of offenders, including those of adult age, on a system of probation, as an alternative to mere unconstructive imprisonment.

The English Children Act of 1908 and the prevention of Crime Act of 1908 have been followed by the British Indian Provinces which have passed their own Children and Borstal Acts.

The Mysore Juveniles Act, XIV of 1939, incorporates many of the more important provisions of the Children Acts and Borstal Schools Acts in force in Madras and Bombay. Supervision and probation, the appointment of duties of Probation officers, and other connected points covered by the Probation of Offenders Acts of those provinces, are not dealt with in that Act and have not been provided for separately.

The Committee have pointed out several defects in the Mysore Act. It deals not only with 'youthful offenders', but also with juveniles who have not committed any offences but who, owing to want of parental control, bad associations or other reasons, need protection and training. Instead of (as elsewhere) having separate institutions, for children and young persons below sixteen, and for actual delinquents betwe sixteen and twentyone, it contemplates the detention of all persons under eighteen years of age in one single institution to be called by a name reserved elsewhere for a special type of institution, the Borstal School.

In the opinion of the Committee, it was serious error to set aside the necessity for differential treatment based o differences of physical growth and mental development, and to assume that the appropriate treatment for persons of tende age, whether criminals themselves or the victims of others' crimes, was that which could be given in a Borstal School. For the latter is a more or less semi-penal, corrective, institution meant for adolescent offenders, that is for persons who, at the time of conviction or of failure to give security, are not less than sixteen years or more than twentyone, whereas what young persons under sixteen need most of all is protection, prevention and education under suitable conditions in school-like surroundings.

In view of these and other considerations, the Committee considered it essential that the Act should be thoroughly revised and recast or better still replaced by new measures on suitable lines. It has accordingly recommended the enactment of two independent Acts, viz., (1) the Children Act to deal with juveniles and juvenile offenders below sixteen years of age and (2) The Borstal Schools Act to deal with adolescent offenders above the age of sixteen and below twent one. To facilitate the early introduction of the scheme, the Committee have drafted a Bill, based mainly on the Bombay

Bombay Children Act, 1924, as amended from time to time and appended it to their Report.

It is considered desirable to adopt this Bill.

The purpose of the Children Act is both preventive and remedial. It aims at the rescue of many types of boys and girls under sixteen years of age, who are the victims of bad conditions or of exploitation at the hands of older persons, and thereby it seeks to prevent them from falling into crime or vice. It also takes in hand juveniles who have come offenders, and endeavours by wise methods of treatment to reform and rehabilitate them in society.

APPENDIX VI.

DRAFT.

THE MYSORE CHILDREN BILL.

WHEREAS it is expedient to make provision for the custody and protection of children and for the custody, trial and punishment of juvenile offenders, His Highness the Maharaja is pleased to enact as follows:— Preamble.

PART I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Children Act,— . Short title.

(2) It extends to the whole of Mysore. Extent.

(3) The Government may, by notification in the official Gazette from time to time, apply the whole or any portion of this Act to children or juvenile offenders or any class thereof in any local area in Mysore from such date as may be specified in the notification, and may in like manner cancel or modify any such notification. Commencement.

(4) The Mysore Juveniles Act, XVI of 1939, is hereby repealed. Repeal.

In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Child" means a person under the age of sixteen years and, when used with reference to a child sent to a certified school, applies to that child during the whole period of his detention, notwithstanding that the child may have attained the age of sixteen years;

(*b*) "juvenile offender" means any child who has been found to have committed an offence punishable with transportation or imprisonment;

(*c*) "certified school" means a school established under sub-section (1) or certified under sub-section (2), of section 45 of this Act, or any other educational institution certified in this behalf by the Government;

(*d*) "guardian", in relation to a juvenile offender or child, includes any person who, in the opinion of the court having cognizance of any proceedings in relation to the juvenile offender or child, or in which the juvenile offender or child is concerned, has for the time being the actual charge of or control over the juvenile offender or child;

(*e*) "fit person" in relation to the care of any child, includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children which undertakes to bring up or to give facilities for bringing up any child entrusted to its care in conformity with the religion of its birth;

(*f*) "place of safety" includes any orphanage, hospital, surgery or any other suitable place or institution the occupier or manager of which is willing temporarily to receive a child; or, where such orphanage, hospital, surgery or other suitable place or institution is not available, in case of a male child only, a police station;

(*g*) "Brothel" means any house, room or place, or any part thereof. occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purposes of prostitution;

(*h*) "prescribed" means prescribed by rules under this Act;

(*i*) "juvenile court" means a separate court established under sub-section (1) of section 57 of this Act, and includes a court hearing charges against children under sub-section (2) of that section;

(*j*) "Caning" means the punishment authorized under the Whipping Act, 1903, and inflicted with a cane, less than half an inch in diameter, as directed by the Government under section 392 of the Code of Criminal Procedure, 1904;

(*k*) "Probation officer" means an officer appointed under section 31.

5. The powers conferred on courts by this Act shall be exercised only by—(*a*) the High Court, (*b*) a Court of Session, (*c*) a District Magistrate, (*d*) a Sub-divisional Magistrate, (*e*) any Magistrate of the first class, (*f*) any Magistrate of the second class specially empowered by the Government to exercise all or any of such powers, (*g*) any Juvenile Court constituted under section 57, and may be exercised by such courts whether the case comes before them originally or on appeal or revision.

empowered to pass an order under this Act.

6. (1) When any magistrate not empowered to pass an order under this Act is of opinion that a child brought before him is a proper person to be sent to a certified school or to be dealt with in any other manner in which the case may be dealt with under this Act, he shall record such opinion and submit his proceedings and forward the child to the District Magistrate to whom he is subordinate or the Magistrate presiding over the nearest Juvenile Court having jurisdiction in the case.

(2) The District Magistrate or the Magistrate presiding over the [illegible]le Court to whom the proceedings are so submitted may make such further inquiry, if any, as he may think fit, and may pass such order dealing with the case as he might have passed if the child had originally been brought before or tried by him.

PART II.

MEASURES FOR THE CUSTODY AND PROTECTION OF CHILDREN WHO ARE DESTITUTES, ETC.

Children found homeless, destitute, etc.

7. (1) Any police-officer or other person authorized in this behalf in accordance with rules made by the Government may bring before a court any person who, in his opinion, is a child and who—

(*a*) has no home, settled place of abode or visible means of subsistence, or has no parent or guardian who exercises regular and proper guardianship; or

(*b*) is found destitute and his parents or surviving parent or other guardian, or, in the case of an illegitimate child, his mother or other guardian, are or is, as the case may be, undergoing transportation or imprisonment; or

(*c*) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of

(*d*) frequents the company of any reputed thief or prostitute; or
(*e*) is lodging or residing in or frequenting a house used by a prostitute for the purposes of prostitution; or
(*f*) is otherwise likely to fall into bad association or to be exposed to moral danger or to enter upon a life of crime:

Provided that when any such child has a parent or guardian who has the actual charge or control over the child, the police-officer or other person as aforesaid shall, in the first instance, make a report to the nearest court or magistrate having jurisdiction under this Act. Such court or magistrate may call upon such parent or guardian to show cause why the said child should not, during the pendency of the proceedings, be removed from his care; and may, on suitable sureties being offered for the safety of such child and for his being brought before the court, permit the child to remain in the actual charge or control of his parents or guardian, or may order his removal till the court passes orders under this Act.

(2) The court before which a child is brought as coming within one of these descriptions shall examine the information and record the substance of such examination, and shall, if it thinks that there are sufficient grounds for inquiring further, fix a date for such inquiry.

(3) On the date fixed for the production of the child or for the inquiry, or on any subsequent date to which the proceedings may be adjourned, the court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order sending the child to a certified school should not be passed, and make any further inquiry it thinks fit.

(4) If the court is satisfied on the inquiry that such person is a child and is as described within the provisions of sub-section (1) and that it is expedient so to deal with him, the court may order him to be sent to a certified school or may order him in the prescribed manner to be committed to the care of a relative or other fit person named by the court, such relative or other person being willing to undertake such care until such child attains the age of eighteen years or for any shorter period.

(5) The court which makes an order committing a child to the care of a relative or other fit person may, when making such order, require such relative or other person to execute a bond, with or without sureties, as the court may require, to be responsible for the good behaviour of the child and for the observance of such other conditions as the court may impose for securing that the child may lead an honest and industrious life.

(6) The court which makes an order committing a child to the care of a relative or other fit person under this section may, in addition, order that he be placed under the supervision of a probation officer or other person named by the court:

Provided that, when the Magistrate thinks fit, he may allow such child to remain in the custody of a parent or guardian with a direction that he be placed under the supervision of a probation officer or other person named by the court on such parent or guardian giving an undertaking with or without sureties in a prescribed form to the court, and the court may from time to time adjourn the enquiry and compel the production of the child in court to satisfy it that the said undertaking is being carried out.

Uncontrollable children.

8. Where the parent or guardian of a child proves to a court that he is unable to control the child and that he desires the child to be sent to a certified school, the court, if satisfied on inquiry that it is expedient so to deal with the child and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

PART III.

OFFENCES AGAINST CHILDREN AND THEIR PREVENTION.

Punishment for cruelty to children.

9. (1) Whoever having the actual charge of or control over a child abandons, exposes or wilfully neglects or ill-treats such child in a manner likely to cause such child unnecessary suffering or injury to his health, shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) For the purposes of this section injury to health includes injury to, or loss of, sight or hearing and injury to limb or organ of the body and any mental derangement, and a parent or other person legally liable to maintain a child shall be deemed to have neglected him in a manner likely to cause injury to his health if he wilfully fails to provide adequate food, clothing, medical aid or lodging for the child.

(3) A person may be convicted of an offence under this section notwithstanding the actual suffering or injury to health was obviated by the action of another person.

(4) Nothing in this section shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child.

Causing or allowing child to beg.

10. (1) Whoever for his own profit causes any child or, having the actual charge of or control over a child, allows that child, to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms, shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

(2) The Government may by notification in the official gazette exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

Penalty for being drunk while in charge of a child.

11. If any person is found drunk in any highway or other public place whether a building or not or on any licensed premises, while having the charge of a child apparently under the age of seven years, and if such person is incapable by reason of his drunkenness of taking due care of the child, he may be arrested and shall, if the child is under that age, be punishable with fine which may extend to fifty rupees.

Presumption as to age of child.

Explanation.—For the purposes of this section a child shall be deemed to be under the age of seven if it appears to the court to be under that age unless the contrary is proved.

Penalty for giving intoxicating liquor to a child.

12. Whoever in any highway or other public place whether a building or not or on any licensed premises gives, or causes to be given, to any child any intoxicating liquor except upon the order of a duly

qualified medical practitioner, or in case of sickness or other urgent cause, shall be punishable with fine which may extend to fifty rupees.

13. It shall be the duty of a police officer to seize any bidis, cigarettes, tobacco or smoking mixture in the possession of a child whom he finds smoking in any street or public place, and any bidis, cigarettes, tobacco or smoking mixture so seized shall be forfeited to Government; and every such police officer shall be authorised to search any boy so found smoking but not a girl.

Seizure by police officer of any bidis, cigarettes, tobacco or smoking mixture in possession of child.

14. Whoever, by words either spoken or written or by signs, or otherwise, incites or attempts to incite a child to make any bet or wager or to enter into or take any share or interest in any betting or wagering transaction or so incites or attempts to incite a child to borrow money or to enter into any transaction involving the borrowing of money, shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Penalty for inciting a child to bet or borrow.

15. Whoever takes an article in pawn from a child whether offered by that person on his own behalf or on behalf of any other person shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Penalty for taking pawn from a child.

16. Whoever, having the actual charge of or control over a child between the ages of four and sixteen, allows that child to reside in or frequent a brothel, shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Allowing child to be in brothel.

17. (1) Whoever, having the actual charge of or control over a girl under the age of sixteen years, causes or encourages the seduction or prostitution of that girl or causes or encourages any one other than her husband to have sexual intercourse with her, shall be punishable with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

Causing or encouraging seduction, etc., of young girl.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction or prostitution of, or the unlawful sexual intercourse, with a girl who has been seduced or become a prostitute or with whom such sexual intercourse has been had, if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of any prostitute or person of known immoral character.

18. If it appears to a court on the complaint of any person that a girl under the age of sixteen is being treated with cruelty by her parent or guardian or that such girl with the knowledge of her parent or guardian is exposed to the risk of seduction or prostitution, or living a life of prostitution, the court may direct the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of such girl.

Young girls exposed to risk of seduction, etc., or cruelly treated.

19. (1) Any police officer not below the rank of Sub-Inspector, or a police officer or a person authorized in this behalf in accordance with rules made by the Government, may take to a place of safety any child in respect of whom an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, as in force in Mysore, has been. or there is reason to believe has been. committed.

Detention of child in place of safety.

(2) A child so taken to a place of safety and also any child who seeks refuge in a place of safety may there be detained until he can be brought before the court, but such detention shall not, in the absence of a special order of the court, exceed a period of twenty-four hours exclusive of the time necessary for the journey from the place of detention to the court, and the court may make such order as is mentioned in the next following sub-section, or may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child has been determined by the conviction, discharge or acquittal of such person.

(3) Where it appears to the court that an offence as aforesaid has been committed in respect of any child who is brought before the court and that it is expedient in the interests of the child that an order should be made under this sub-section, the court may make such order as circumstances may admit and require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against some person for having committed the offence and, if a charge is made against any person within that time, until the charge has been determined by the conviction, discharge or acquittal of that person and, in case of conviction, for such further time not exceeding one month as the court which convicted may direct, and any such order may be carried out notwithstanding that any person claims the custody of the child.

Disposal of child by order of court.

20. (1) Where any person having the actual charge of or control over a child has been—

(*a*) convicted of committing in respect of such child an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, as in force in Mysore; or

(*b*) committed for trial for any such offence; or

(*c*) bound over to keep the peace towards such child by any court.

that court may, either at the time when the person is so convicted, committed for trial or bound over or at any other time, order that the child be taken out of the charge and control of the person so convicted, committed for trial or bound over and be committed to the care of a relative of the child or other fit person named by the court (such relative or other person being willing to undertake such care) until he attains the age of eighteen years or for any shorter period, and that court or any court of like jurisdiction may, of its own motion, or on the application of any person, from time to time by order renew, vary and revoke any such order.

(2) The court which makes an order committing a child to the care of a relative or other fit person under this section may require such relative or other person to execute a bond, with or without sureties, to be responsible for the good behaviour of the child and for the observance of such other conditions as the court may impose for securing that the child may lead an honest and industrious life and, in addition, order that the child be placed under the supervision of a probation officer or other person named by the court.

(3) If the child has a parent or guardian, no order shall be made under this section unless—

(i) the parent or legal guardian has been convicted of or committed for trial for the offence or has been bound over to keep the peace towards the child or cannot be found; or

(ii) the court has reason to believe that the parent or legal guardian has either been party or privy to the offence or has by any act or omission facilitated the offence or is otherwise unfit to have the care of the child:

Provided that, if the court thinks fit, it may, on such parent or guardian giving an undertaking with or without sureties, in a prescribed form to the court, allow such child to remain in the custody of such parent or legal guardian subject to the supervision of a probation officer or other person named by the court.

(4) Every order under this section shall be in writing, and any such order may be made by the court in the absence of the child; and the consent of any person to undertake the care of the child in pursuance of any such order shall be taken in such manner as the court may think sufficient to bind him.

(5) Where an order is made under this section and the conviction or order binding the person to keep the peace is set aside or the person is acquitted, the order shall forthwith be void except with regard to anything that may have been lawfully done under it.

(6) The court may, instead of ordering the child to be committed to the care of a relative or other fit person, order that the child shall be sent to a certified school.

Warra to sear for chi ill-tres

21. (1) If it appears to a magistrate duly empowered under this Act, from information on oath or solemn affirmation laid by any person who in the opinion of the magistrate is acting in the interests of a child, that there is reasonable cause to suspect that—

(a) the child has been or is being wilfully ill-treated or neglected in any place within its jurisdiction in a manner likely to cause the child unnecessary suffering or to be injurious to his health, or

(b) that an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, as in force in Mysore, has been or is being committed in respect of the child,

the magistrate may issue a summons in the first instance against the person or persons in whose care, custody or control such child is, to produce forthwith the said child in court, or may issue a warrant authorizing any police officer named therein to search for such child, and, if it is found that he has been or is being wilfully ill-treated or neglected in manner aforesaid or that any offence as aforesaid has been or is being committed in respect of the child, to take him to and detain him in a place of safety until he can be brought before the magistrate, or authorizing any police officer to remove the child with or without search, to a place of safety and detain him there until he can be brought before the magistrate; and the magistrate before whom the child is brought may commit him to the care of a relative or other

fit person in like manner as if the person in whose charge or control he was had been committed for trial for an offence punishable under this Act:

Provided that, if the said child is in the custody or control of a parent or guardian who being a female does not, according to the customs and manners of the country, appear in public, the magistrate shall ordinarily issue a summons, and the person to whom such summons is issued shall be deemed to have complied with the summons if instead of personally attending in court she causes the said child to be produced in court.

(2) A magistrate issuing a warrant under this section may in his discretion by the same warrant direct that any person accused of any offence in respect of the child be apprehended and brought before him or, direct that, if such person executes a bond with sufficient sureties for his attendance before the magistrate at a specified time and thereafter until otherwise directed by the magistrate, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

(3) The police officer executing the warrant shall be accompanied by the person laying the information if such person so desire, and may also, if the magistrate by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(4) In any information or warrant under this section the name of the child shall be given if known.

Compensation for false and frivolous or vexatious information.

22. (1) If, in any case in which an information has been laid by any person under the provisions of section 21, the magistrate after such inquiry as he may deem necessary is of opinion that such information was false and either frivolous or vexatious, the magistrate may for reasons to be recorded in writing direct that compensation to such an amount not exceeding one hundred rupees as he may determine be paid by such informer to the person against whom the information was laid.

(2) Before making any order for the payment of compensation, the magistrate shall call upon the informer to show cause why he should not pay compensation and shall consider any cause which such informer may show.

(3) The magistrate may by the order directing payment of the compensation further order that in default of payment the person ordered to pay such compensation shall suffer simple imprisonment for a period of thirty days.

(4) When any person is imprisoned under sub-section (3), the provisions of sections 68 and 69 of the Indian Penal Code, as in force in Mysore, shall, so far as may be, apply.

(5) No person who has been directed to pay compensation under this section shall by reason of such order be exempted from any civil or criminal liability in respect of the information given by him, but any amount paid as compensation shall be taken into account in any subsequent civil suits relating to such matter.

(6) An informer who has been ordered to pay compensation exceeding fifty rupees may appeal from the order as if such informer had been convicted on a trial held by the magistrate directing the payment of compensation.

(7) When an order for the payment of compensation is made in a case which is subject to appeal under sub-section (6), the compensation shall not be paid to the person ordered to receive it before the period allowed for the presentation of the appeal has elapsed or, if an appeal is presented, before the appeal has been decided; and where such order is made in a case which is not subject to appeal the compensation shall not be paid before the expiration of one month from the date of the order.

PART IV.

JUVENILE OFFENDERS.

Bail of children arrested.

23. Where a person apparently under the age of sixteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of the police station to which such person is brought may in any case, and shall, unless the charge is one of culpable homicide or any other offence punishable with death or transportation, release him on bail if sufficient security is forthcoming, unless for reasons to be recorded in writing the officer believes that such release would bring him into association with any reputed criminal:

Provided that, when any girl apparently under the age of sixteen years is arrested, the officer in charge of a police station who has made the arrest or before whom the girl is produced shall release her at once if any person who in his opinion is a sufficient surety enters into a bond for such sum of money as the officer considers sufficient to produce her before the court and to appear in her stead if required at the police station.

Custody of children not discharged on bail after arrest.

24. Where a person apparently under the age of sixteen years having been arrested is not released under section 23 or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner until he can be brought before a court.

Remand or committal to custody.

25. A court, on remanding or committing for trial a child who is not released on bail, shall order him to be detained in the prescribed manner.

Attendance at court of parent of child charged with an offence, etc.

26. (1) Where a child is charged with any offence or is brought before a court on an application for an order to send him to a certified school, his parent or guardian may in any case, and shall, if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where the child is [illegible] station to which he is brought shall cause the parent or guardian of the child, if he can be found, to be warned to attend at the court before which the child will appear.

(3) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual charge of or control over the child.

Provided that if such parent or guardian is not the father, the attendance of the father may also be required.

(4) The attendance of the parent of a child shall not be required under this section in any case where the child was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

(3) Nothing in this section shall be deemed to require the attendance of the mother or the female guardian of a child if such mother or female guardian does not according to the customs and manners of the country appear in public, but any such mother or female guardian may appear before the court by a pleader or agent.

Sentences that may not be passed on child.

27. Notwithstanding anything to the contrary contained in any law, no child shall be sentenced to death or transportation or committed to prison :

Provided that a child who is fourteen years of age or upwards may be committed to prison where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a certified school and that none of the other methods in which the case may legally be dealt with is suitable.

No proceedings under Chapter VIII of Criminal Procedure Code against a child.

28. Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1904, no proceedings shall be instituted and no order shall be passed against a child under Chapter VIII of the said Code.

Commitment of child to a certified school.

29. (1) Where a child is found to have committed an offence punishable with transportation or imprisonment, the court, if satisfied on enquiry that it is expedient so to deal with the child, may order him to be sent to a certified school.

(2) Where prior to the commencement of this Act a juvenile offender has been sentenced to transportation or imprisonment, the Government may direct that in lieu of undergoing or completing such sentence he shall, if under the age of fourteen years, be sent to a certified school; and thereupon the offender shall be subject to all the provisions of this Act as if he had been originally sentenced to detention in such school.

Power to discharge juvenile offender or to commit him to suitable custody.

30. (1) A court may, if it shall think fit, instead of directing any juvenile offender to be detained in a certified school, order him to be—

(*a*) discharged after due admonition, or

(*b*) released on probation of good conduct and committed to the care of his parent or guardian or other adult relative or other fit person, on such parent, guardian, relative or person executing a bond, with or without sureties, as the Court may require, to be responsible for the good behaviour of the juvenile offender for any period not exceeding three years and for the observance of such other conditions as the Court may impose for securing that the juvenile offender may lead an honest and industrious life. The Court may order that the juvenile offender released under this clause be placed under the supervision of a probation officer.

(2) If it appears to the Court, on receiving a report from the probation officer or otherwise, that the offender has not been of good behaviour during the period of his probation, it may, after making such enquiry as it deems fit, order the offender to be detained in a certified school.

Appointment of probation officers.

31. (1) A probation officer shall be—

(*a*) any person appointed to be a probation officer by the Government, or

(*b*) any person appointed for this purpose by a society recognised in this behalf by the Government, or

(*c*) when there is no person appointed under clause (a) or (b), any other person appointed from time to time by the Court for any particular case subject to general or special orders of the Government.

(2) A probation officer, in the exercise of his duties under any supervision order, shall be subject to the control of the District Magistrate of the district in which the Court which passes any order under this Act in respect of the child is situate.

Duties of probation officers.

32. A probation officer shall, subject to the rules made under this Act and to the directions of the Court—

(*a*) visit or receive visits from the child or the juvenile offender at such reasonable intervals as may be specified in the order passed by the Court or, subject thereto, as the probation officer may think fit;

(*b*) see that the relative of the child or the juvenile offender, as the case may be, or other person to whose care such child or juvenile offender is committed, observes the conditions of the bond;

(*c*) report to the Court as to the behaviour of the child or the juvenile offender, as the case may be;

(*d*) advise, assist and befriend the child or the juvenile offender and when and where necessary, endeavour to find his suitable employment; and

(*e*) perform any other duty which may be prescribed.

Power to order parent to pay fine, etc., instead of child.

33. (1) Where a child is found to have committed an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall if the child is under fourteen years of age, order that the fine be paid by the parent or guardian of the child, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so; but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

(4) A parent or guardian may appeal against any such order as if it had been an order passed in proceedings against himself.

Detention in the case of certain crimes committed by children.

34. (1) When a child is found to have committed an offence of so serious a nature that the court is of opinion that no punishment which, under the provisions of this Act, it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

(2) Notwithstanding the provisions of section 27, the Government may order any such child to be detained in such place and on such conditions as it thinks fit, and while so detained the child shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child could have been sentenced for the offence committed.

Methods of dealing with children charged with offences.

35. (1) Where a child charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether,

(a) by discharging the offender after due admonition; or

(b) by committing the offender to the care of his parent, guardian, other adult relative, or other fit person, on such parent, guardian, relative or person executing a bond to be responsible for his good behaviour; or

(c) by so discharging the offender and placing him under the supervision of a person named by the court;

(d) by releasing the offender on probation of good conduct, or

(e) by sending the offender to a certified school; or

(f) by sentencing the offender to caning, administered by way of cuts not exceeding six on each hand, in cases where the conduct of the offender has been such as to lead the court to believe that no other punishment would be effective; or

(g) by ordering the offender to pay a fine; or

(h) by ordering the parent or guardian of the offender to pay a fine; or

(i) where the offender is a child of fourteen years of age or upwards, by sentencing him to imprisonment; or

(j) by dealing with the case in any other manner in which it may legally be dealt with

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

(2) Where a child is charged with an offence punishable with fine only, and is dealt with under clause (g) of sub-section (1), the court may, in default of payment of fine, order the offender to be sent to a certified school for a period not exceeding three years.

of character and circumstances.

36. For the purpose of determining the sentence or order which a court ought to pass or make under this Part against any person tried by or brought before it, the court shall, after recording its finding on the facts of the case, have regard to the character of the person and the circumstances in which he is living as disclosed by the facts of the case or, on further inquiry, by any other evidence or information.

PART V.

PROHIBITION OF PUBLICATION OF NAMES, ADDRESSES OR OTHER DETAILS CONCERNING CHILDREN INVOLVED IN OFFENCES.

37. (1) No report in any newspaper or news-sheet of any offence by or against a child or of any proceedings in any Court relating to such offence shall disclose the name, address or school, or include any particulars calculated to lead to the identification of any such child, nor shall any picture be published as being or including a picture of any such child.

Penalty for publishing names and addresses of children involved in offences.

(2) Any person who publishes any report or picture in contravention of the provisions of this section shall be punishable with imprisonment of either description for a term not exceeding two months or with fine or with both.

PART VI.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO CERTIFIED SCHOOLS OR COMMITTED TO THE CARE OF RELATIVES OR OTHER FIT PERSONS.

38. (1) The Court which makes an order for the detention of a child or youthful offender in a certified school or for the committal of a child or youthful offender to the care of a relative or other fit person may make an order on the parent or other person liable to maintain the child, or youthful offender, to contribute to his maintenance, if able to do so, in the prescribed manner.

(2) The Court before making any order under sub-section (1) shall inquire into the circumstances of the parent or other person liable to maintain the child or youthful offender and shall record the evidence, if any, in the presence of the parent or such other person as the case may be or, when his personal attendance is dispensed with in the presence of his pleader.

(3) Any order made under this section may from time to time be varied by the court.

(4) The persons liable to maintain a child or youthful offender shall for the purpose of sub-section (1) include in the case of illegitimacy his putative father:

Provided that where the child, or youthful offender is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1904, the Court shall not ordinarily make an order for contribution against the putative father; but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them, as the case may be, towards the maintenance of the child or youthful offender.

(5) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure. 1904.

39. The managers of a certified school to which a child under the age of eight years is sent may, with the consent of the Chief Inspector, board the child out with any suitable person until the child

Boarding out of children.

reaches the age of ten years and thereafter for such longer period, with the consent of the Chief Inspector, as the managers consider to be advisable in the interest of the child, subject to the exercise by the managers of such powers as to supervision, recall, and otherwise as may be prescribed; and where a child is so boarded out he shall nevertheless be deemed for the purposes of this Act to be a child detained in the school, and the provisions of this Act shall apply accordingly, subject to such necessary adaptations as may be made by the Government.

Placing out on licence.

40. (1). Where a child or youthful offender is detained in a certified school, the managers of the school may at any time, with the consent of the Chief Inspector, by licence permit the child or juvenile offender on the conditions prescribed in this behalf to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him with a view to educate him or train him for some useful trade or calling.

(2) Subject to the prescribed conditions, the Chief Inspector may, on the recommendation of the visitors or managers of a certified school, at any time after the expiration of six months from the commencement of the detention of a juvenile offender in a certified school, and if satisfied that there is a reasonable probability that the juvenile offender will abstain from crime and lead a useful and industrious life, release such offender from the school and grant him a written licence in the prescribed form and on the prescribed conditions, permitting him to live under the supervision and authority of such responsible person or society approved by the Chief Inspector as may be willing to take charge of the offender.

(3) Any licence granted under sub-section (1) or (2) shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

(4) The managers of the school or the Chief Inspector, as the case may be, may at any time by order in writing revoke any such licence, and order the child or juvenile offender to return to the school and shall do so at the desire of the person or society with whom or under whose supervision the child or juvenile offender is licensed to live. If the child or juvenile offender refuse or fails to return to the school, the managers of the school or the Chief Inspector, as the case may be, may, if necessary, arrest or cause to be arrested, the child or juvenile offender and take him or cause him to be taken back to the school.

(5) When a licence has been revoked or forfeited and the child or juvenile offender refuses or fails to return to the school, the Court may, if satisfied by information on oath or solemn affirmation that there is reasonable ground for believing that his parent or guardian could produce the child or juvenile offender, issue a summons requiring the parent or guardian to attend at the Court on such a day as may be specified in the summons and to produce the child or juvenile offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be punished with a fine which may extend to fifty rupees.

(6) Where a parent or guardian is directed to pay a fine under this section the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

(7) The time during which a child or juvenile offender is absent from a certified school in pursuance of a licence under this section shall be deemed to be part of the time of his detention in the school; provided that, where a child or juvenile offender has failed to return to the school on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

41. Whoever—

(*a*) knowingly assists or induces, directly or indirectly, a child or juvenile offender detained in or placed out on license from a certified school to escape from the school or from any person with whom he is placed out on licence, or any child to escape from the person to whose care he is committed under the provisions of this Act; Penalty for abetting escape of juvenile offender or child.

(*b*) knowingly harbours, conceals, or prevents from returning to school or to any person with whom he is placed out on licence or to whose care he is committed under this Act, a child, or juvenile offender, who has so escaped, or knowingly assists in so doing—

shall be punishable with imprisonment of either description for a term which may extend to two months or with a fine which may extend to two hundred rupees, or with both.

42. The period for which a child or juvenile offender is to be detained in a certified school shall be specified in the order in pursuance of which he is sent there, and shall be such period not being less than two years in the case of a juvenile offender who at the date of the order is over the age of fifteen years and three years in the case of other juvenile offenders as to the court may seem proper for his teaching and training, but not in any case extending beyond the time when he will, in the opinion of the court, attain the age of eighteen years. Period of

43. (1) The Government may at any time order a child or juvenile offender to be discharged from a certified school, either absolutely or on such conditions as the Government approves.

(2) The Government may order a juvenile offender over the age of sixteen years detained in a certified school to be transferred to a Borstal School established under the Mysore Borstal Schools Act—, in the interest of discipline or for other special reasons

Provided that the whole period of the detention of the child or juvenile offender shall not be increased by the transfer.

(3) Upon the transfer of a juvenile offender to a Borstal School under sub-section (2), the provisions of the Mysore Borstal Schools Act,—, shall apply to such offender as if he had been originally ordered to be detained in a Borstal School under that Act.

The Government may at any time in its discretion discharge a child from the care of any person to whose care he is committed under this Act, either absolutely or on such conditions as the Government approves, and may, if it thinks fit, make rules in relation to children so committed to the care of any person and to the duties of such persons with respect to such children.

44. The Chief Inspector may direct any child or juvenile offender to be transferred from one certified school to another: Transfer from one certified school to another

Provided that the total period of detention of the child or juvenile offender shall not be increased by such transfer.

PART VII.

CERTIFIED SCHOOLS AND OTHER INSTITUTIONS.

Establishment and certification of schools.

45. (1) The Government may establish and maintain schools for the reception of children and juvenile offenders.

(2) The Government may certify that any school or other educational institution not established under sub-section (1) is fit for the reception of children or juvenile offenders.

Management of schools.

46. (1) For the control and management of every school established under sub-section (1) of section 45 a superintendent and a committee of visitors shall be appointed by the Government, and such superintendent and committee shall be deemed to be the managers of the school for the purposes of this Act.

(2) Every school certified under sub-section (2) of section 45 shall be under the management of a governing body who shall be deemed to be the managers of the school for the purposes of this Act.

Inspection of schools.

47. (1) The Government may appoint a Chief Inspector of certified schools and such number of inspectors and assistant inspectors as it thinks advisable to assist the chief inspector; and every person so appointed to assist the chief inspector shall have such of the powers and duties of the chief inspector as the Government directs but shall act under the direction of the chief inspector.

(2) Every certified school shall, at least once in every six months, be inspected by the Chief Inspector of certified schools, or by an inspector or assistant inspector: Provided that where any such school is for the reception of girls only and such inspection is not made by the chief inspector, the inspection shall where practicable be conducted by a woman.

Power of inspectors

48. A certified school shall be liable to inspection at all times and ı all its departments by the Chief Inspector or inspector or assistant ıspector.

Medical inspection

49. Any registered medical practitioner empowered in this behalf v the Government may visit any certified school at any time with or thout notice to its managers in order to report to the Chief spector on the health of the inmates and the sanitary condition of e school.

Power of Government to withdraw certificate.

50. The Government, if dissatisfied with the condition, rules, anagement or superintendence of a certified school, may at any time notice served on the managers of the school declare that the certiate of the school is withdrawn as from a time specified in the notice, ıd at that time the withdrawal of the certificate shall take effect and e school shall cease to be a certified school:

Provided that the Government may, if it thinks fit, instead of withdrawing the certificate, by notice served on the managers of the hool, prohibit the admission of children or juvenile offenders to the hool for such time as may be specified in the notice or until the ɔtice is revoked:

Provided also that, before the issue of notice under this section ınder the first proviso thereto, a reasonable opportunity shall be ɔn to the managers of the school to show cause why the certificate ll not be withdrawn or admission to the school shall not be ıibited as the case may be.

51. The managers of a certified school may, on giving six month's notice in writing to the Government through the Chief Inspector of their intention so to do, resign the certificates of the school, and accordingly at the expiration of six months from the date of the notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect, and the school shall cease to be a certified school. Resignation of certificate by managers

52. A child or juvenile offender shall not be received into a certified school in pursuance of this Act after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate or after the date of a notice of resignation of the certificate; but the obligation hereinafter mentioned of the managers to teach, train, lodge, clothe and feed any children or juvenile offenders detained in the school at the respective dates aforesaid shall, except so far as the Government otherwise directs, continue until the withdrawal or resignation of the certificate takes effect. Effect of withdrawal or resignation of certificate.

53. When a school ceases to be a certified school, the children or juvenile offenders detained therein shall be either discharged absolutely or on such conditions as the Government may impose or transferred by order of the Government to some other certified school in accordance with the provisions of this Act relating to discharge and transfer. Disposal of inmates on withdrawal or resignatic of certificate

54. The Government may establish auxiliary homes for the reception of any inmates or any classes of inmates of certified schools or may certify any other such home heretofore established or which hereafter may be established by any other agency, and the certificates may be withdrawn or resigned in like manner as a certificate of a school, and every such home shall, for such purposes as are specified by the Government, be treated as part of the certified school or schools to which it is attached. Auxiliary homes.

55. The managers of a certified school not established by the Government may decline to receive any child or juvenile offender proposed to be sent to them in pursuance of this Act, but when they have once accepted any such child or juvenile offender, they shall be deemed to have undertaken to teach, train, lodge, clothe and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school. Liabilities of managers.

56. (1) The Government may cause any institution for the reception of poor children supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of any department of the Government, to be visited and inspected from time to time at all reasonable hours, by persons appointed by it for the purpose of securing the health and welfare of the children and the sanitation of the premises. Inspection of institutions for reception of poor children.

(2) Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all registers, relating thereto for the aforesaid purposes. Any person who obstructs him in the execution of his duties shall be liable on conviction to a fine not exceeding fifty rupees.

(3) Where any such institution is carried on in accordance with the principles of any particular religious denomination, the Government shall, if so desired by the managers of the institutions, appoint,

where practicable, a person of that denomination to visit and inspect the institutions.

(4) Where any such institution is for the reception of girls only, the inspection shall, where practicable, be conducted by a woman.

PART VIII.

JUVENILE COURTS.

Juvenile Courts.

57. (1) The Government may provide for the establishment in any area of one or more separate courts for the conduct of proceedings under this Act at which the attendance of the child is required:

Provided that, where a child is accused of an offence triable jointly with any other person not being a child, nothing in this sub-section shall affect or be deemed to affect the powers of the court to try such other person under any other law for the time being in force.

(2) Where no such separate court has been established, the court before which a child is brought shall, unless the child is tried jointly with any other person not being a child, whenever practicable sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART IX.

MISCELLANEOUS.

Provision as to religion.

58. (1) In determining the certified school to which a child or juvenile offender is to be sent under this Act, the court shall ascertain the religious denomination of the child or juvenile offender, and shall, if possible, select a school in which facilities are afforded for instruction in his religion.

(2) In determining on the person to whose care a child shall be committed under this Act, the court shall ascertain the religious denomination of the child, and shall, if possible, select a person of the same religious denomination or a person who gives such undertaking as seems to the court sufficient that the child will be brought up in accordance with the religion of the child, and such religion shall be specified in the order.

(3) In any case where a child has been committed pursuant to any such order to the care of a person who is not of the religious denomination of the child or who has not given such undertaking as aforesaid, the court which made the order or any court of like jurisdiction shall, on the application of any person in that behalf and on its appearing that a fit person of the religious denomination of the child or who will give such undertaking as aforesaid is willing to undertake the care of the child, make an order committing him to the care of such fit person.

(4) When a child is committed to the care of a certified school in which facilities for instruction in his religion are not afforded or to a person who does not give an undertaking that the child entrusted to

iim will be brought up in his religion (for want of a certified school or person of the religion of the child), the court shall take an undertaking rom such school or such person that the child shall not be brought up n any religion other than his own.

(5) Where a child is boarded out, or where a child or juveiile offender is permitted by licence to live with any other person, the nanager of the school shall select for this purpose a person of the ame religion as the child, or juvenile offender, as the case may be, if uch person is available, and if no such person is available then a person who gives a satisfactory undertaking that the child or juvenile offender shall be brought up in accordance with the religion of such child, or juvenile offender, and if no such person is available then another person within the provisions of section 39 or 40, as the case nay be.

(6) When a child has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not bserved, the child shall be liable to be removed from the care of such person and dealt with according to the provisions of sub-section (3) of his section.

(7) Whenever any person interested in the religion of the child s informed of any attempt at conversion or tampering with his relion, he may apply to the court for an enquiry, and the court on being atisfied may issue an order removing the said child from the custody of such institution or person and hand over the custody to another fit person or institution.

Committal to an approved place of a child suffering from venereal or tubercular disease.

59. When a child who has been brought before a Magistrate under any of the provisions of this Act is found to be suffering from a venereal or tubercular disease, the Magistrate, if satisfied that medical treatment is necessary and the child will not otherwise get such treatment, may commit the child to an approved place for such period as he may think necessary, and may from time to time extend the said period.

Removal of disqualification attaching to convictions for offences.

60. When a child is found to have co , the fact that he has been so found shall not have any effect under section 75 of the Indian Penal Code, or section 565 of the Code of Criminal Procedure, 1904, or operate as a disqualification for office or election under any law.

Control of custodian over child.

61. Any person to whose care a child is committed under the provisions of this Act shall, while the order is in force, have the like control over the child as if he were his parent, and shall be responsible for his maintenance, and the child shall continue in his care notwithstanding that he is claimed by his parent or any other person.

Bonds taken under the Act.

62. The provisons of Chapter XLII of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this Act.

Appeals.

63. (1) An appeal from an order made by a court under sections 7, 8 9, 10, 11, 12, 14, 15, 16, 17, 20, 34, 38, 40, or 58 shall lie—

(a) if passed by a juvenile court, to a District Magistrate;
(b) if passed by any Magistrate, to the Court of Session; and
(c) if passed by a Court of Session, to the High Court.

(2) No appeal shall lie from any order passed in any such

(3) Any order passed under the provisions of this Act and not subject to appeal under sub-section (1) may be revised by the High Court.

Power to amend orders.

64. Without prejudice to the powers of courts of appeal and revision, any custody order, supervision order or probation order may be amended by the court which made the order, in respect of the person named as custodian, supervisor or probation officer, the period of duration, and such matters of detail as may be prescribed.

Rules.

65. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing, such rules may be made with regard to—

(*a*) the establishment and maintenance of certified schools and auxiliary homes, and the certification of schools as certified schools and of auxiliary homes ;

(*b*) the management of certified schools and auxiliary homes ;

(*c*) the appointment of visitors and their tenure of office ;

(*d*) the inspection of certified schools :

(*e*) the maintenance, education and industrial training of the inmates of certified schools

(*f*) the conveyance of juvenile offenders and children to certified schools ;

(*g*) the grant of permission to the inmates of certified schools to absent themselves for short periods ;

(*h*) visits to and communication with the schools ;

(*i*) the punishment of offences committed by the inmates of certified schools ;

(*j*) the inspection of the institutions referred to in section 56 ;

(*k*) the manner of detention of children under arrest or remanded or committed for trial ;

(*l*) the procedure to be adopted in any case or inquiry under this Act before any court other than a juvenile court ;

(*m*) the persons who may be authorised to act under section 7 or 19

(*n*) the manner in which a child may be committed to the care of relative or other fit person, and the duties of such persons and the supervision of such children.

(*o*) the conditions subject to which a juvenile offender may be released on licence under sub-section (2) of section 40 and the form and conditions of such license

(*p*) the manner in which a juvenile offender may be released on probation ;

(*q*) matters incidental to the appointment, resignation and removal of probation officers and the remuneration and expenses payable to them :

(*r*) the duties of probation officers ;

(*s*) the conditions on which societies may be recognized by the Government for providing probation officers ;

(*t*) the contribution by parents and other persons liable to maintain juvenile offenders and children ;

(*u*) the boarding out of children and the licensing and supervision of children and juvenile offenders and the submission of reports regarding them ;

(*v*) the procedure to be adopted in juvenile courts ; and

(*w*) the time within which appeals under section 63 shall be filed.

(3) All rules made under this section shall be published in the official Gazette, and on such publication they shall have the same effect as if enacted in this Act.

APPENDIX VII.

DRAFT.

The Mysore Children and Juvenile Courts Rules

In exercise of the powers conferred by sections 57 and 65 of the Mysore Children Act,——, the Government are pleased to make the following rules for the purpose of carrying into effect the provisions of the said Act, namely:—

1. *Short title.*—These rules may be called the Mysore Children and Juvenile Court Rules,.....

2. *Interpretation.*—In these rules—

(1) "Act" means the Mysore Children Act, ...; and

(2) "Section" means a section of the Act.

Certification of institutions.—If the managers of any institution not certified under sub-section (2) of section 45 desire that the institution should be so certified, they shall make a written application in this behalf to the Chief Inspector, who shall cause the institution to be inspected and shall make a report to the Government regarding the provision made in the institution for the boarding, lodging and general health of the inmates, and the quality of the literary and industrial training made available.

4. *Registers to be maintained by certified schools.*—The Chief Inspector shall, subject to the general control of the Government, prescribe the registers and records to be maintained by the managers of a certified school in respect of children committed to such school.

5. *Inspection Agency.*—The Inspecting Agency for the inspection of certified schools and institutions under sub-sections (1) of sections 47 and 56 shall be as follows:—

(1) Chief Inspector.

(2) Inspectors.

6. *Chief Inspector.*—The Inspector General of Prisons in Mysore shall be the Chief Inspector. He may visit any certified school at any time, hear any complaints of the inmates, and make suggestions to the Managers of the school.

7. *Appointment and duties of Inspectors.*—The Government may from time to time appoint any person to be an Inspector of Certified Schools for any area, and the person so appointed shall thereafter work in that capacity under the orders of the Chief Inspector. He shall, at least once a year, inspect all parts of each certified school and see every child or juvenile offender confined in it. He shall during his inspection give everyone the opportunity of making any application or complaint to him which such child or juvenile offender may wish to make. A brief memorandum of the state in which he finds the school

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,
Dated Bangalore, 14th N-v. 1942.

NOTIFICATION

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying

Mysore Maidens Bill

together with the Statement of Objects and Reasons.

By Order,

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and supply of 350 copies to the Secretariat.

Copy to the translation section

Memo No RL 5-85 dated 16th N-v. 1942
to the Secy, Legislative Council, Bangalore
forwarding copies of the above.

THE MYSORE PRISONS BILL.

Statement of Objects and Re

~~Statement of~~ Principles.

The law relating to prisons in the Mysore State is the old Indian Act XXVI of 1870, introduced by a notification of the Governor-General in 1879, two years prior to the Rendition. It has not been amended or revised subsequently, although in British India the Act of 1870 has been replaced by Act IX of 1894. The Committee on Prison Reform in Mysore points out, in the course of its Report, that our Act is defective in various respects and has become out-of-date. The definition of the term 'prison' in the Act is not as specific as that given in the later British Indian enactment. Further the provisions of the old Act in regard to prison offences and punishments, are not sufficiently comprehensive, and do not cover various matters dealt with in the Mysore Jail Manual. The Committee recommended that the Act of 1870 should be replaced at an early date by a more comprehensive measure adopted to the present times. As a help to its preparation the Committee appended to its Report a draft Bill, based on the provisions of the law now in force in British India—Act IX of 1894. It is considered desirable to adopt this Bill and pass it into law.

A Bill to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in Mysore, and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title, extent and commencement.

1. (1) This Act may be called the Mysore Prisons Act, 194

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of 194 .

Repeal.

2. (1) On and after the said first day of 194 the Prisons Act, XXVI of 1870, which was extended to Mysore by Notification of the Government of India, Foreign Department, Judicial No. 246 I. J., dated the 4th September 1879, shall be repealed.

(2) But all rules and appointments made, directions given and orders issued under the said Act shall, so far as they are consistent with this Act, be deemed to have been respectively made, given and issued under this Act.

(3) Any enactment or document referring to the said Act shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Definitions.

3. In this Act—

(1) "prison" means any jail or place used permanently or temporarily under the general or special orders of the Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—

(*a*) any place for the confinement of prisoners who are exclusively in the custody of the police;

(*b*) any place specially appointed by the Government under section 541 of the Code of Criminal Procedure, 1904; or

(*c*) any place which has been declared by the Government, by general or special order, to be a subsidiary jail:

(2) "criminal prisoner" means any prisoner duly committed to custody under the warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial:

(3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1904:

(4) "civil prisoner" means any prisoner who is not a criminal prisoner:

(5) "remission system" means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails:

(6) "history-ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder.

(7) "Inspector-General" means the Inspector-General of Prisons:

(8) "Medical Subordinate" means an Assistant Surgeon, Apothecary or qualified Hospital Assistant: and

(9) "prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

CHAPTER II.

Maintenance and Officers of Prisons.

Accommodation for prisoners.

4. The Government shall provide, for the prisoners in Mysore, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

Inspector-General.

5. An Inspector-General shall be appointed for Mysore and shall exercise, subject to the orders of the Government, the general control and superintendence of all prisons situated in Mysore.

Officers of prisons.

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer and such other officers as the Government thinks necessary.

Temporary accommodation for prisoners.

7. Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III.

Duties of Officers.

Generally.

Control and duties of officers of prisons.

8. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by rules under section 59.

Officers not to have business dealings with prisoners.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

Officers not to be interested in prison contracts.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest direct or indirect, in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

Superintendent.

11. (1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the Government, the Superintendent of a prison other than a central prison shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector-General all such orders and the action taken thereon.

Records to be kept by Superintendent.

12. The Superintendent shall keep, or cause to be kept, the following records:—

(1) a register of prisoners admitted;
(2) a book showing when each prisoner is to be released;
(3) a punishment book for the entry of the punishments inflicted on prisoners for prison-offences;
(4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;
(5) a record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules under section 59.

Medical Officer.

Duties of Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Government under section 58.

Medical Officer to report in certain cases.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information.

Report on death of prisoner.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely:—

(1) the day on which the deceased first complained of illness or was observed to be ill,
(2) the labour, if any, on which he was engaged on that day,
(3) the scale of his diet on that day,
(4) the day on which he was admitted to hospital,
(5) the day on which the Medical Officer was first informed of the illness,
(6) the nature of the disease,
(7) when the deceased was last seen before his death by the Medical Officer or Medical Subordinate,
(8) when the prisoner died, and
(9) (in cases where a *post-mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required.

Jailer.

Jailer.

16. (1) The Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2) The Jailer shall not, without the Inspector-General's sanction in writing, be concerned in any other employment.

Jailer to give notice of death of prisoner.

17. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the Medical Subordinate.

Responsibility of Jailer.

18. The Jailer shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confined to his care, and for the money and other articles taken from prisoners.

Jailer to be present at night.

19. The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent; but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

Powers of Deputy and Assistant Jailers.

20. Where a Deputy Jailer or Assistant Jailer is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Jailer under this Act or any rule thereunder.

Subordinate Officers.

Duties of gate-keeper.

21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may

any prohibited article into or out of the prison or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer.

22. Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer. Subordinate officers not to be absent without leave.

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore. Convic officers

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS

24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him. Prisoners to be examined on admission.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailer, a record of the state of the prisoner's health and of any wounds or marks on his person, the class of labour he is fit for if sentenced to igorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners, the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

25. All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailer. Effects of prisoners.

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer. Remo val and discharge of prisoners.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

DISCIPLINE OF PRISONERS.

27. The requisitions of this Act with respect to the separation of prisoners are as follows :— Separation of prisoners.

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners;

(2) in a prison where male prisoners under the age of eighteen are confined, means shall be provided for separating them altogether from other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from criminal prisoners.

Association and segregation of prisoners.

28. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

Solitary confinement.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

Prisoners under sentence of death.

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailer, and all articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners.

Maintenance of certain prisoners.

31. A Civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-General.

Restriction on transfer of food and clothing between certain prisoners.

32. No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner, and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Supply of clothing and bedding to civil and unconvicted criminal prisoners.

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

CHAPTER VII.

Employment of Prisoners.

Employment of civil prisoners.

34. (1) Civil prisoners may, with the Superintendent's permission work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

Employment of criminal prisoners.

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction, in writing, of the Superintendent, be kept to labour for more than nine hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour,

such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner. **Employment of criminal prisoners sentenced to simple imprisonment.**

CHAPTER VIII.

Health of Prisoners.

37. (1) The names of prisoners desiring to see the Medical Subordinate or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoner to the Jailer. **Sick prisoners.**

(2) The Jailer shall, without delay, call the attention of the Medical Subordinate to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

38. All directions given by the Medical Officer or Medical Subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the Government may by rule direct, and the Jailer shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of the entry. **Record of directions of Medical Officers.**

39. In every prison an hospital or proper place for the reception of sick prisoners shall be provided. **Hospital.**

40. The Superintendent may, if in his opinion a prisoner requires special treatment in a hospital outside the prison or in a lunatic asylum, send him to such hospital or asylum, subject to the prisoner or any relative or friend of the prisoner executing such bond and abiding by such other conditions, if any, as the Government may by rule or order prescribe. Any period during which the prisoner is undergoing treatment in such hospital or asylum or spent by him in going thereto or returning therefrom shall be deemed to be part of the period of his detention in the prison. **Power of Superintendent to send a prisoner to hospital or asylum for special treatment.**

CHAPTER IX.

Visits to Prisoners.

41. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person. **Visits to civil and unconvicted criminal prisoners.**

42. (1) The Jailer may demand the name and address of any visitor to a prisoner, and, when the Jailer has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor. **Search of visitors.**

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Government may direct.

CHAPTER X.

Offences in relation to Prisons.

Penalty for ntroduction or removal of prohibited rticles into or from prison and communication with prisoners.

43. Whoever, contrary to any rule under section 58, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section. shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

Power to arrest for offence under section 43.

44. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police-officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence.

Publication of penalties.

45. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 43 and the penalties incurred by their commission.

CHAPTER XI.

Prison-offences.

Prison-offences.

46. The following acts are declared to be prison-offences when committed by a prisoner :—

(1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 58 to be a prison-offence ;
(2) any assault or use of criminal force ;
(3) the use of insulting or threatening language
(4) immoral or indecent or disorderly behaviour
(5) wilfully disabling himself from labour ;
(6) contumaciously refusing to work ;
(7) filing, cutting, altering or removing hand-cuffs, fetters, or bars without due authority ;
(8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment ;
(9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment ;
(10) wilful damage to prison-property ;
(11) tampering with or defacing history-tickets, records or documents ;
(12) receiving, possessing or transferring any prohibited article ;
(13) feigning illness ;
(14) wilfully bringing a false accusation against any officer or prisoner ;
(15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison-official ; and
(16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Punishment of such offences.

47. The Superintendent may examine any person touching any such offence, and determine thereupon and punish such offence by—

(1) a formal warning ;

Explanation.—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket ;

(2) change of labour to some more irksome or severe form for such period as may be prescribed by rules made by the Government;

(3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment;

(4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Government;

(5) the substitution of gunny or other coarse fabric for clothing of other material, not being woollen, for a period which shall not exceed three months;

(6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(8) separate confinement for any period not exceeding three months;

Explanation.—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

(9) penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Government:

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

(10) cellular confinement for any period not exceeding fourteen days:

Provided that after each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement:

Explanation.—Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners;

(11) penal diet as defined in clause (9) combined with cellular confinement:

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters.

Plurality of punishments under section 47.

48. (1) Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely,—

(i) formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section;

(ii) penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with cellular confinement;

(iii) cellular confinement shall not be combined with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable;

(iv) no punishment shall be combined with any other punishment in contravention of rules made by the Government.

(2) No punishment shall be awarded for any such offence so as to combine with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.

Award of punishments under sections 47 and 48.

49. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector-General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Punishments to be in accordance with foregoing sections.

50. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Medical Officer to certify to fitness of prisoner for punishment.

51. (1) No punishment of penal diet, either singly or in combination, or of change of labour under section 47, clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certifiy accordingly in the appropriate column of the punishment-book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

Entries in punishment-book.

52. (1) In the punishment-book prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, as also the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment, the Jailer and the Superintendent shall affix their initials as evidence of the correctness of the entries.

Procedure on committal of heinous offence.

53. If any prisoner is guilty of any offence against prison-discipline which, by reason of his having frequently committed such offences or otherwise in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 47:

Provided that the District Magistrate may transfer the case for inquiry and trial to any Magistrate of the first class: and

Provided also that no person shall be punished twice for the same offence.

Offences by prison-subordinates.

54. (1) Every Jailer or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) No person shall, under this section, be punished twice for the same offence.

CHAPTER XII.

MISCELLANEOUS.

Extramural custody, control and employment of prisoners.

55. A prisoner, when being taken to or from any prison in which he may be lawfully confined or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison-officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

56. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector-General with the sanction of the Government, so confine them. Con in

57. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity in which case notice thereof shall be forthwith given to the Superintendent. Pri to by exc nece

58. The Government may make rules consistent with this Act— Pow mak

(1) defining the acts which shall constitute prison-offences;
(2) determining the classification of prison-offences into serious and minor offences;
(3) fixing the punishments admissible under this Act which shall be awardable for commission of prison-offences or classes thereof;
(4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code as in force in Mysore may or may not be dealt with as a prison-offence;
(5) for the award of marks and the shortening of sentences;
(6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;
(7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;
(8) for the classification of prisons and description and construction of wards, cells and other places of detention;
(9) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;
(10) for the government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this Act;
(11) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;
(12) for the employment, instruction and control of convicts within or without prisons;
(13) for defining articles, the introduction or removal of which into or out of prisons without due authority is prohibited;
(14) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;
(15) for regulating the disposal of the proceeds of the employment of prisoners;
(16) for the classification and the separation of prisoners;
(17) for regulating the confinement of convicted criminal prisoners under section 28;
(18) for the preparation and maintenance of history-tickets;
(19) for the selection and appointment of prisoners as officers of prisons;
(20) for rewards for good conduct;
(21) for regulating the transfer of prisoners whose term of imprisonment is about to expire;
(22) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;
(23) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends;
(24) for the appointment and guidance of visitors of prisons;
(25) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1904, and to the officers employed, and the prisoners confined, therein; and
(26) in regard to the admission, custody, employment, dieting, treatment, and release of prisoners, and for other purposes consistent with this Act; and
(27) generally, for carrying into effect the purposes of this Act.

59. Copies of rules under section 58, so far as they affect the government of prisons, shall be exhibited, both in English and in the Vernacular, some place to which all persons employed within a prison have access. Exhibition of copies of rules.

60. All or any of the powers and duties conferred and imposed this Act on a Superintendent or Medical Officer may, in his absence, exercised and performed by such other officer as the Government ay appoint in this behalf either by name or by his official designation. Exercise of powers of Superintendent and Medical

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. Kh 581-Legn 30-42 General and Revenue Secretariat,

Dated Bangalore, 16th November 1942.

NOTIFICATION

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Prevention of Offences Bill together with the Statement of Objects and Reasons.

By Order,

SKR

for Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and supply of 350 copies to the Secretariat.

Copy to the Translation Section

Memo No. [illegible] dated Bangalore 16-11-42

Copy of the above [illegible] forwarded with [illegible] to the Secy. Legislative Council

10. THE MYSORE PROBATION OF OFFENDERS BILL.

Statement of Objects and Reasons

~~Statement of Principles.~~

The Committee on Prison Reform recommended that the Children Act and the Borstal Schools Act may be supplemented by an Act for the Release on Probation of Offenders. They accordingly prepared a draft Bill, which it is considered desirable to bring into force.

The Bill extends to adult offenders the system of probation allowed for Juveniles under the Children Act. It thus provides a useful alternative to unconstructive imprisonment. Treatment on probation has been found in the West to be a most successful method of dealing with a certain type of offender; and given effective arrangements for supervision and guidance, there is no reason why it should not prove equally successful in this country.

THE MYSORE PROBATION OF OFFENDERS BILL.

An Act to provide for the release on probation of offenders.

WHEREAS it is expedient to provide for the release on probation of offenders in certain cases and for other matters incidental thereto; It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Probation of Offenders Act,—

(2) It extends to the whole of Mysore.

(3) It shall come into force in such area and on such date as the Government may by notification in the official Gazette direct.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) the "Code" means the Code of Criminal Procedure, 1904 ;

(*b*) "Court" means a Court empowered to exercise powers under this Act ;

(*c*) "Probation order" means an order made under sub-section (1) of section 5 ;

(*d*) "recognized society" means a society recognized by the Government for the purposes of section 10 ;

(*e*) "supervision order" means an order made under sub-section (2) of section 5 ; and

(*f*) words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

3. (1) The following Courts are hereby empowered o exercise powers under this Act, namely :—

(*a*) The High Court.

(*b*) A Court of Session.

(*c*) A District Magistrate.

(*d*) A Sub-Divisional Magistrate.

(*e*) A Magistrate of the First Class.

(*f*) Any other Magistrate specially empowered in this behalf.

(2) The powers conferred under sub-section (1) may be exercised by such Courts, whether the case comes before them originally or on appeal or in revision.

(3) Where any offender is convicted by a Magistrate not empowered to exercise powers under this Act, and such Magistrate is of opinion that the powers conferred by section 4 or 5 should be exercised, he shall record his opinion to that effect and submit the proceedings to a Magistrate of the first class or Sub-Divisional Magistrate forwarding the offender to, or taking bail for his appearance before such Magistrate, who shall dispose of the case in the manner provided by section 380 of the Code.

Power of Court to release certain convicted offenders after admonition.

4. Notwithstanding anything contained in any enactment for the time being in force, in any case in which a person is convicted of any offence punishable with not more than two years' imprisonment or fine or both and no previous conviction is proved against him, the Court by which he is so convicted may, if it thinks fit, having regard—

(*a*) to the age, character, antecedents or physical or mental condition of the offender, and

(*b*) to the nature of the offence or any extenuating circumstances under which the offence was committed, for reasons to be recorded in writing, instead of sentencing him to any punishment, release him after due admonition.

Power of court to release certain convicted offenders on probation of good conduct.

5. (1) Notwithstanding anything contained in any enactment for the time being in force, when—

(*a*) any male person is convicted of an offence not punishable with death or transportation for life, or

(*b*) any woman is convicted of an offence of any kind, if it appears to the Court by which the offender is convicted, that regard being had to the age, character, antecedents or physical or mental condition of the offender or to the circumstances in which the offence was committed, it is expedient that the offender should be released on probation of good conduct, the Court may, for reasons to be recorded in writing, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period not being less than one year and not exceeding three years as the Court may direct and in the meantime to keep the peace and be of good behaviour:

Provided that the Court shall not pass a probation order under this section unless it is satisfied that the offender or one of his sureties (if any) has a fixed place of abode or regular occupation and is likely to continue to have such place of abode or such occupation, within the local limits of its jurisdiction during the period of the bond:

Provided also that if a person under twenty-one years of age is convicted of any offence under the Indian Penal Code, as in force in Mysore, or any other enactments prescribed in this behalf under rules made by the Government, which is punishable with imprisonment not exceeding six months, the Court shall take action under this section, unless for special reasons to be recorded in writing, it does not consider it proper to do so.

(2) Where the offender appears to the Court to be under the age of twenty-five years, the Court may for reasons to be recorded in writing make an order, hereinafter called a supervision order, directing that the bond to be entered into under sub-section (1) shall contain a condition that the offender shall be under the supervision of a probation officer named in the order during the period specified therein and such other conditions as in the opinion of the Court may be necessary for securing such supervision:

Provided that the period so specified shall not extend beyond the date on which, in the opinion of the Court, the offender shall attain the age of twenty-six years.

(3) While making a supervision order the Court may also direct that the bond shall contain such additional conditions with respect to residence, abstention from intoxicants and any other matters as the Court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or a commission of other offences by the offender.

(4) A Court making a supervision order shall furnish the offender with a written statement of the conditions which he is required to observe.

er of t to ire sed der to pay damages and costs, and recovery of such damages and costs.

6. (1) A Court directing the release of an offender under section 4 or section 5 may order the offender to pay such compensation for loss or injury caused to any person by the offence and such costs of the proceedings as the Court thinks reasonable:

Provided that the amount of compensation and costs so awarded shall in no case exceed the amount of fine which the Court could have imposed in respect of the offence.

(2) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under sub-section (1).

(3) The amount ordered to be paid under this section may be recovered as a fine in accordance with the provisions of sections 386 and 387 of the Code.

Appeal and powers of Court in appeal and revision.

7. (1) Notwithstanding anything contained in the Code, except in cases in which the offender has pleaded guilty, or where the order is passed by the High Court, an appeal shall lie from an order of conviction in every case in which an order is passed under section 4 or 5 to the Court to which appeals ordinarily lie under the Code.

(2) The Appellate Court or the High Court in exercise of its powers of revision may pass any such order as it could have passed under the Code, or may set aside an order under section 4 or 5 and in lieu thereof pass sentence on such offender according to law

Provided that the Appellate Court or the High Court in revision shall not inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted.

Provision in case of offender failing to observe condition of release.

8. (1) If the Court before which an offender is bound by his bond under section 5 to appear and receive sentence when called upon or any Court which could have dealt with the offender in respect of his original offence, has reason to believe that the offender has failed to observe any of the conditions of his bond, it may issue a warrant

for his arrest or may, if it thinks fit, issue a summons to the offender and his sureties, if any, requiring him or them to attend before it at such time as may be specified in the summons.

(2) The Court before which an offender is brought or appears under sub-section (1) may either remand him to custody until the case is heard or admit him to bail, with or without sureties, to appear on the date of hearing.

(3) If the Court, after hearing the case, is satisfied that the offender has failed to observe any of the conditions of his bond, including any conditions which may have been imposed under sub-section (2) or sub-section (4) of section 5, it may forthwith—

(*a*) sentence him for the original offence, or

(*b*) without prejudice to the continuance in force of the bond, impose upon him a fine not exceeding one hundred rupees:

Provided that the Court passing a sentence of fine under clause (*a*) or (*b*) shall take into account the amount of compensation ordered to be paid under section 6.

(4) If a fine imposed under clause (*b*) of sub-section (3) is not paid within such period as the Court may fix, the Court may sentence the offender for the original offence.

Prov to bo.

9. The provisions of sections 122, 126, 126-A, 406-A, 514, 514-A, 514-B, and 515 of the Code, shall, so far as may be, apply in the case of sureties given under this Act.

Appo... of probation officers.

10. (1) A probation officer named in a supervision order may be—

(*a*) any person appointed to be a probation officer by the Government, or

(*b*) any person nominated for this purpose with the previous approval of the Government by a recognized society, or

(*c*) any other person who, in the opinion of the Court, is a fit person to act as a probation officer in the special circumstances of the case.

(2) A probation officer named under sub-section (1) shall be a person who shall possess such qualifications as may be prescribed by rules made in this behalf.

(3) A probation officer, in the exercise of his duties under any supervision order, shall be subject to the control of the District Magistrate of the district in which the offender for the time being resides.

(4) The Court before which an offender is bound by his bond under section 5 to appear and receive sentence when called upon, may at any time appoint another probation officer in place of the person named in the supervision order.

Duties of probation officers.

11. A probation officer shall, subject to the provisions of section 10 and rules made under this Act and subject to the directions of the Court—

(*a*) visit or receive visits from the offender at such reasonable intervals as may be specified in the supervision order or, subject thereto, as the probation officer may think fit;

(*b*) see that the offender observes the conditions of the bond;

(*c*) report to the Court as to the behaviour of the offender;

(*d*) advise, assist and befriend the offender and, when necessary, endeavour to find him suitable employment ; and

(*e*) perform any other duty which may be prescribed by rules made under this Act.

Variation of conditions of probation on application by probation officers.

12. (1) The Court before which any person is bound by a bond under section 5 to appear and receive sentence may at any time, upon the application of the probation officer or of its own motion, if it thinks that it is expedient that the terms or conditions of the bond should be varied, summon the offender to appear before it, and, if he fails to show cause why such variation should not be made, vary the terms of the bond by extending or diminishing the duration thereof or by altering any of the conditions thereof or by inserting additional conditions therein :

Provided that in no case shall the duration of the bond be less than one year or more than three years from the date of the original order, and where a supervision order has been made under sub-section (2) of section 5, the duration of the period of supervision shall not extend beyond the date on which, in the opinion of the Court, the offender shall attain the age of twenty-six years:

Provided further that, in the case of a bond with a surety or sureties, no such variation shall be made without the consent thereto of such surety or sureties, and that in the absence of such consent the Court shall in all such cases require the offender to enter into a new bond with or without sureties.

(2) Such Court may also, on application made by the probation officer or of its own motion, on being satisfied that the conduct of the offender has been such as to make it unnecessary that he should be kept any longer under supervision, discharge the bond.

Power to make rules.

13. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules—

(*a*) regulating the appointment, resignation and removal of probation officers and prescribing the qualifications of such officers ;

(*b*) prescribing and regulating the duties of probation officers ;

(*c*) regulating remuneration and expenses payable to probation officers ;

(*d*) specifying conditions on which societies may be recognized for the purposes of clause (*b*) of sub-section (1) of section 10; and

(*e*) prescribing the enactments referred to in the second proviso to section 5 (1).

(3) All rules made under this section shall be published in the official Gazette, and on such publication shall have the same effect as if enacted by this Act.

Barring of operation of Section 562 of Act II of 1904.

14. In any area in which this Act is in force, no Court shall make an order under section 562 of the Code in respect of any first offender.

Saving of Mysore Children Act and the Mysore Borstal Schools Act.

15. Nothing in this Act shall affect the provisions of the Mysore Children Act, ...,or the Mysore Borstal Schools Act.....

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

.Bh.S.R.:..Leg.128-42-1 General and Revenue Secretariat,

Dated Bangalore 1942.

NOTIFICATION.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying

Mysore Children Bill

together with the Statement of Objects and Reasons.

By Order,

BVR

for Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and supply of 350 copies to the Secretariat.

16. THE MYSORE CHILDREN BILL

Statement of objects and R

~~Statement of Principles.~~

The problem of youthful delinquency, its causes and remedies were considered by the Prison Reform Committee, and the Committee was of opinion that in dealing with this problem account had to be taken not only of those who have committed offences, but the many more who are likely to drift into crime unless previously taken in hand. Special legislation is found to be necessary in the opinion of the Committee for the systematic carrying out of suitable measures of prevention and reformation. Such legislation in the opinion of the Committee falls under two main classes. The first, embodied in the Children Acts, is aimed principally at the rescue and protection of boys and girls, with a view to prevent them from becoming potential criminals; it also provides for the treatment of such juveniles as have become offenders, so as to save them from growing up into adult criminals. The second, represented by the Borstal Acts, deals with offenders between the ages of sixteen and twenty-one, who are likely to make good if properly trained in a special institution, instead of being committed to prison. Besides these, there are Acts for the release of offenders, including those of adult age, on a system of probation, as an alternative to mere unconstructive imprisonment.

The English Children Act of 1908 and the Prevention of Crime Act of 1908 have been followed by the British Indian Provinces which have passed their own Children and Borstal Acts.

The Mysore Juveniles Act, XIV of 1939, incorporates many of the more important provisions of the Children Acts and Borstal Schools Acts in force in Madras and Bombay. Supervision and probation, the appointment and duties of probation officers, and other connected points covered by the Probation of Offenders Acts of those provinces, are not dealt with in that Act and have not been provided for separately.

The Committee have pointed out several defects in the Mysore Act. It deals not only with 'youthful offenders,' but also with juveniles who have not committed any offence but who, owing to want of parental control, bad associations or other reasons, need protection and training. Instead of (as elsewhere) having separate institutions for children and young persons below sixteen, and for actual delinquents between sixteen and twenty-one, it contemplates the detention of all persons under eighteen years of age in one single institution, to be called by a name reserved elsewhere for a special type of institution, the Borstal School.

In the opinion of the Committee, it was a serious error to set aside the necessity for differential treatment based on differences of physical growth and mental development, and to assume that the appropriate treatment for persons of tender age, whether criminals themselves or the victims of others' crimes, was that which could be given in a Borstal School. For the latter is a more or less semi-penal, corrective institution meant for adolescent offenders, that is, for persons who, at the time of conviction or of failure to give security, are not less than sixteen years or more than twenty-one, whereas what young persons under sixteen need most of all is protection, prevention and education under suitable conditions in school-like surroundings.

In view of these and other considerations, the Committee considered it essential that the Act should be thoroughly revised and recast or, better still, replaced by new measures on suitable lines. It has accordingly recommended the enactment of two independent Acts, *viz.*, (1) the Children Act to deal with juveniles and juvenile offenders below sixteen years of age and (2) the Borstal Schools Act to deal with adolescent offenders above the age of sixteen and below twenty-one. To facilitate the early introduction of the scheme, the Committee have drafted a Bill, based mainly on the Bombay Children Act, 1924, as amended from time to time and appended it to their Report.

It is considered desirable to adopt this Bill.

The purpose of the Children Act is both preventive and remedial. It aims at the rescue of many types of boys and girls under sixteen years of age, who are the victims of bad conditions or of exploitation at the hands of older persons, and thereby it seeks to prevent them from falling into crime or vice. It also takes in hand juveniles who have become offenders, and endeavours by wise methods of treatment to reform and rehabilitate them in society.

THE MYSORE CHILDREN BILL.

WHEREAS it is expedient to make provision for the custody and protection of children and for the custody, trial and punishment of juvenile offenders, His Highness the Maharaja is pleased to enact as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Children Act.

(2) It extends to the whole of Mysore.

(3) The Government may, by notification in the official Gazette from time to time, apply the whole or any portion of this Act to children or juvenile offenders or any class thereof in any local area in Mysore from such date as may be specified in the notification, and may in like manner cancel or modify any such notification.

(4) The Mysore Juveniles Act, XIV of 1939, is hereby repealed.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Child" means a person under the age of sixteen years and, when used with reference to a child sent to a certified school, applies to that child during the whole period of his detention, notwithstanding that the child may have attained the age of sixteen years;

(*b*) "juvenile offender" means any child who has been found to have committed an offence punishable with transportation or imprisonment;

(*c*) "certified school" means a school established under sub-section (1) or certified under sub-section (2) of Section 45 of this Act, or any other educational institution certified in this behalf by the Government;

(*d*) "guardian" in relation to a juvenile offender or child, includes any person who, in the opinion of the court having cognizance of any proceedings in relation to the juvenile offender or child, or in which the juvenile offender or child is concerned, has, for the time being, the actual charge of or control over the juvenile offender or child;

(*e*) "fit person" in relation to the care of any child, includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children which undertakes to bring up or to give facilities for bringing up any child entrusted to its care in conformity with the religion of its birth;

(*f*) "place of safety" includes any orphanage, hospital, surgery or any other suitable place or institution the occupier or manager of which is willing temporarily to receive a child; or, where such orphanage, hospital, surgery or other suitable place or institution is not available, in case of a male child only a police station;

(*g*) "brothel" means any house, room or place or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purposes of prostitution;

(*h*) "prescribed" means prescribed by rules under this Act.

(*i*) "juvenile court" means a separate court established under sub-section (1) of Section 5 of this Act, and includes a court hearing charges against children under sub-section (2) of that section;

(*j*) "caning" means the punishment authorised under the Whipping Act, 1903, and inflicted with a cane, less than half an inch in diameter as directed by the Government under Section 392 of the Code of Criminal Procedure, 1904;

(*k*) "Probation Officer" means an officer appointed under Section 31.

Powers of courts.

5. The powers conferred on courts by this Act shall be exercised only by (*a*) the High Court, (*b*) a Court of Session, (*c*) a District Magistrate, (*d*) a Sub-Divisional Magistrate, (*e*) any Magistrate of the First Class, (*f*) any Magistrate of the Second Class specially empowered by the Government to exercise all or any of such powers, (*g*) any Juvenile Court constituted under Section 5, and may be exercised by such courts whether the case comes before them originally or on appeal or for revision.

Procedure when Magistrate is not empowered to pass an order under this Act.

6. (1) When any Magistrate not empowered to pass an order under this Act is of opinion that a child brought before him is a proper person to be sent to a certified school or to be dealt with in any other manner in which the case may be dealt with under this Act, he shall record such opinion and submit his proceedings and forward the child to the District Magistrate to whom he is subordinate or the Magistrate presiding over the nearest Juvenile Court having jurisdiction in the case.

(2) The District Magistrate or the Magistrate presiding over the Juvenile Court to whom the proceedings are so submitted may make such further inquiry, if any, as he may think fit, and may pass such order dealing with the case as he might hav passed if the child had originally been brought before or trie by him.

PART II.

Measures for the Custody and Protection of Children who are Destitutes, Etc.

7. (1) Any police officer or other person authorised in thi behalf in accordance with rules made by the Government ma bring before a court any person who, in his opinion, is a chil and who—

(*a*) has no home, settled place of abode or visible mean of subsistance, or has no parent or guardian wh exercises regular and proper guardianship, or

(*b*) is found destitute and his parents or surviving parer or other guardian, or, in the case of an illegitimat child, his mother or other guardian, are, or is, as th case may be, undergoing transportation or imprisor ment, or

(*c*) is under the care of a parent or guardian who, b reason of criminal or drunken habits, is unfit to hav the care of such person, or

(*d*) frequents the company of any reputed thief c prostitute, or

(*e*) is lodging or residing in or frequenting a house use by a prostitute for the purposes of prostitution, or

(*f*) is otherwise likely to fall into bad association or to b exposed to moral danger or to enter upon a life c crime:

Provided that when any such child has a parent or guardia who has the actual charge or control over the child, the polic officer or other person as aforesaid shall, in the first instanc make a report to the nearest court or magistrate havin jurisdiction under this Act. Such court or magistrate may ca upon such parent or guardian to show cause why the said chil should not, during the pendency of the proceedings, be remove from his care, and may, on suitable sureties being offered fc the safety of such child and for his being brought before th court, permit the child to remain in the actual charge or contr

of his parents or guardian, or may order his removal till the court passes orders under this Act.

(2) The court before which a child is brought as coming within one of these descriptions shall examine the information and record the substance of such examination, and shall, if it thinks that there are sufficient grounds for inquiring further, fix a date for such inquiry.

(3) On the date fixed for the production of the child or for the inquiry, or on any subsequent date to which the proceedings may be adjourned, the court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order sending the child to a certified school should not be passed, and make any further inquiry it thinks fit.

(4) If the court is satisfied on the inquiry that such person is a child and is as described within the provisions of sub-section (1) and that it is expedient so to deal with him, the court may order him to be sent to a certified school or may order him in the prescribed manner to be committed to the care of a relative or other fit person named by the court, such relative or other person being willing to undertake such care until such child attains the age of eighteen years or for any shorter period.

(5) The court which makes an order committing a child to the care of a relative or other fit person may, when making such order, require such relative or other person to execute a bond, with or without sureties, as the court may require, to be responsible for the good behaviour of the child and for the observance of such other conditions as the court may impose for securing that the child may lead an honest and industrious life.

(6) The court which makes an order committing a child to the care of a relative or other fit person under this section may, in addition, order that he be placed under the supervision of a probation officer or other person named by the court:

Provided that, when the magistrate thinks fit, he may allow such child to remain in the custody of a parent or guardian with a direction that he be placed under the supervision of a probation officer or other person named by the court on such parent or guardian giving an undertaking with or without sureties in a prescribed form to the court, and the court may from time to time adjourn the inquiry and compel the production of the child in court to satisfy it that the said undertaking is being carried out.

Uncontrollable children. 6 Where the parent or guardian of a child proves to a court that he is unable to control the child and that he desires the child to be sent to a certified school, the court, if satisfied on inquiry that it is expedient so to deal with the child and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

PART III.

OFFENCES AGAINST CHILDREN AND THEIR PREVENTION.

Punishment for cruelty to children. 7 (1) Whoever having the actual charge of or control over a child abandons, exposes or wilfully neglects or ill-treats such child in a manner likely to cause such child unnecessary suffering or injury to his health, shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) For the purposes of this section, injury to health includes injury to, or loss of, sight or hearing and injury to limb or organ of the body and any mental derangement, and a parent or other person legally liable to maintain a child shall be deemed to have neglected him in a manner likely to cause injury to his health if he wilfully fails to provide adequate food, clothing, medical aid or lodging for the child.

(3) A person may be convicted of an offence under this section notwithstanding the actual suffering or injury to health obviated by the action of another person.

(4) Nothing in this section shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child.

Causing or allowing child to beg.

~~10.~~ (1) Whoever for his own profit causes any child or, having the actual charge of or control over a child, allows that child, to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms, shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

(2) The Government may by notification in the official Gazette, exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

Penalty for being drunk while in charge of a child.

~~11.~~ If any person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, while having the charge of a child apparently under the age of seven years, and if such person is incapable, by reason of his drunkenness, of taking due care of the child, he may be arrested and shall, if the child is under that age, be punishable with fine which may extend to fifty rupees.

Presumption as to age of child.

Explanation.—For the purposes of this section, a child shall be deemed to be under the age of seven if it appears to the court to be under that age unless the contrary is proved.

Penalty for giving intoxicating liquor to a child.

~~12.~~ Whoever in any highway or other public place, whether a building or not, or on any licensed premises gives, or causes to be given, to any child any intoxicating liquor except upon the order of a duly qualified medical practitioner, or in case of sickness or other urgent cause, shall be punishable with fine which may extend to fifty rupees.

Seizure by police officer of any bidis, cigarettes, tobacco or smoking mixture in possession of a child.

~~13.~~ It shall be the duty of a police officer to seize any bidis, cigarettes, tobacco or smoking mixture in the possession of a child whom he finds smoking in any street or public place, and any bidis, cigarettes, tobacco or smoking mixture so seized shall be forfeited to Government, and every such police officer shall be authorised to search any boy so found smoking but not a girl.

Penalty for inciting a child to bet or borrow.

~~14.~~ Whoever, by words either spoken or written or by signs, or otherwise, incites or attempts to incite a child to make any bet or wager or to enter into or take any share or interest in any betting or wagering transaction or so incites or attempts to incite a child to borrow money or to enter into any transaction involving the borrowing of money, shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Penalty for taking pawn from a child.

~~15.~~ Whoever takes an article in pawn from a child, whether offered by that person on his own behalf or on behalf of any other person, shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Allowing child to be in brothel.

~~16.~~ Whoever, having the actual charge of, or control over, a child between the ages of four and sixteen, allows that child to reside in or frequent a brothel, shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Causing or encouraging seduction, etc., of young girl.

~~17.~~ (1) Whoever, having the actual charge of or control over, a girl under the age of sixteen years, causes or encourages seduction or prostitution of that girl or causes or encourages any one other than her husband to have sexual intercourse with her, shall be punishable with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

(2) For the purposes of this section, a person shall be deemed to have caused or encouraged the seduction or prostitution of, or the unlawful sexual intercourse, with a girl who has been seduced or become a prostitute or with whom such sexual intercourse has been had, if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of any prostitute or person of known immoral character.

Young girls exposed to risk of seduction, etc., or cruelly treated.

~~18.~~ If it appears to a court on the complaint of any person that a girl under the age of sixteen is being treated with cruelty by her parent or guardian or that such girl with the knowledge of her parent or guardian is exposed to the risk of seduction or prostitution, or living a life of prostitution, the court may direct the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of such girl.

Detention of child in place of safety.

~~19.~~ (1) Any police officer not below the rank of Sub-Inspector, or a police officer or a person authorized in this behalf in accordance with rules made by the Government, may take to a place of safety any child in respect of whom an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, as in force in Mysore, has been, or there is reason to believe has been committed.

(2) A child so taken to a place of safety and also any child who seeks refuge in a place of safety may there be detained until he can be brought before the court, but such detention shall not, in the absence of a special order of the court, exceed a period of twenty-four hours exclusive of the time necessary for the journey from the place of detention to the court, and the court may make such order as is mentioned in the next following sub-section, or may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child has been determined by the conviction, discharge or acquittal of such person.

(3) Where it appears to the court that an offence as aforesaid has been committed in respect of any child who is brought before the court and that it is expedient in the interests of the child that an order should be made under this sub-section, the court may make such order as circumstances may admit and require for the care and detention of the child until a reasonable time has elapsed for a change to be made against some person for having committed the offence and, if a charge is made against any person within that time, until the charge has been determined by the conviction, discharge or acquittal of that person and, in case of conviction, for such further time not exceeding one month as the court which convicted may direct, and any such order may be carried out notwithstanding that any person claims the custody of the child.

Disposal of child by order of court.

~~20.~~ (1) Where any person having the actual charge of or control over a child has been—

(*a*) convicted of committing in respect of such child an offence punishable under this act or under Chapter XVI of the Indian Penal Code, as in force in Mysore; or

(*b*) committed for trial for and such offence ; or

(*c*) bound over to keep the peace towards such child by any court,

that court may, either at the time when the person is so convicted, committed for trial or bound over or at any other time order that the child be taken out of the charge and control of the person so convicted, committed for trial or bound over and be committed to the care of a relative of the child or other fit person named by the court (such relative or other person being willing to undertake such care) until he attains the age of eighteen years or for any shorter period, and that court or any court of like jurisdiction may, of its own motion, or on the application of any person, from time to time by order renew, vary and revoke any such order.

(2) The court which makes an order committing a child to the care of a relative or other fit person under this section may require such relative or other person to execute a bond, with or without sureties, to be responsible for the good behaviour of the child and for the observance of such other conditions as the court may impose for securing that the child may lead an honest and industrious life and, in addition, order that the child be placed under the supervision of a probation officer or other person named by the court.

(3) If the child has a parent or guardian, no order shall be made under this section unless—

(i) the parent or legal guardian has been convicted of or committed for trial for the offence or has been bound over to keep the peace towards the child or cannot be found; or

(ii) the court has reason to believe that the parent or legal guardian has either been party or privy to the offence or has by any act or omission facilitated the offence, or is otherwise unfit to have the care of the child:

Provided that, if the court thinks fit, it may, on such parent or guardian giving an undertaking with or without sureties in a prescribed form to the court, allow such child to remain in the custody of such parent or legal guardian subject to the supervision of a probation officer or other person named by the court.

(4) Every order under this section shall be in writing, and any such order may be made by the court in the absence of the child and the consent of any person to undertake the care of the child in pursuance of any such order shall be taken in such manner as the court may think sufficient to bind him.

(5) Where an order is made under this section and the conviction or order binding the person to keep the peace is set aside or the person is acquitted, the order shall forthwith be void except with regard to anything that may have been lawfully done under it.

(6) The court may, instead of ordering the child to be committed to the care of a relative or other fit person, order that the child shall be sent to a certified school.

Warrant to search for c ill-tr

21. (1) If it appears to a magistrate duly empowered under this Act, from information on oath or solemn affirmation laid by any person who, in the opinion of the magistrate, is acting in the interests of a child, that there is reasonable cause to suspect that—

(a) the child has been or is being wilfully ill-treated or neglected in any place within its jurisdiction in a manner likely to cause the child unnecessary suffering or to be injurious to his health, or

(b) that an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, as in force in Mysore, has been or is being committed in respect of the child,

the magistrate may issue a summons in the first instance against the person or persons in whose care, custody or control such child is, to produce forthwith the said child in court, or may issue a warrant authorizing any police officer named therein to search for such child, and, if it is found that he has been or is being wilfully ill-treated or neglected in manner aforesaid or that any offence as aforesaid has been or is being committed in respect of the child, to take him to and detain him in a place of safety until he can be brought before the magistrate, or authorizing any police officer to remove the child with or without search, to a place of safety and detain him there until he can be brought before the magistrate; and the magistrate before whom the child is brought may commit him to the care of a relative or other fit person in like manner as if the person in whose charge or control he was had been committed for trial for an offence punishable under this Act:

Provided that, if the said child is in the custody or control of a parent or guardian who, being a female, does not, according to the customs and manners of the country, appear in public, the magistrate shall ordinarily issue a summons, and the person to whom such summons is issued shall be deemed to have complied with the summons if instead of personally attending in court she causes the said child to be produced in court.

(2) A magistrate issuing a warrant under this section may, in his discretion by the same warrant, direct that any person accused of any offence in respect of the child be apprehended and brought before him or, direct that, if such person executes a bond

24. Where a person apparently under the age of sixteen years having been arrested is not released under section 23 or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner until he can be brought before a court.

Custody of children not discharged on bail after arrest.

25. A court, on remanding or committing for trial a child who is not released on bail, shall order him to be detained in the prescribed manner.

Remand or committal to custody.

26. (1) Where a child is charged with any offence or is brought before a court on an application for an order to send him to a certified school, his parent or guardian may in any case, and shall, if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

Attendance at court of parent of child charged with an offence, etc.

(2) Where the child is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child, if he can be found, to be warned to attend at the court before which the child will appear.

(3) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual charge of or control over the child:

Provided that if such parent or guardian is not the father, the attendance of the father may also be required.

(4) The attendance of the parent of a child shall not be required under this section in any case where the child was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

(5) Nothing in this section shall be deemed to require the attendance of the mother or the female guardian of a child if such mother or female guardian does not according to the customs and manners of the country appear in public, but any such mother or female guardian may appear before the court by a pleader or agent.

27. Notwithstanding anything to the contrary contained in any law, no child shall be sentenced to death or transportation or committed to prison:

Sentences that may not be passed on child.

Provided that a child who is fourteen years of age or upwards may be committed to prison where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a certified school and that none of other methods in which the case may legally be dealt with is suitable.

28. Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1904, no proceedings shall be instituted and no order shall be passed against a child under Chapter VIII of the said Code.

No proceedings under Chapter VIII of Criminal Procedure Code against a child.

29. (1) Where a child is found to have committed an offence punishable with transportation or imprisonment, the court, if satisfied on enquiry that it is expedient so to deal with the child, may order him to be sent to a certified school.

Commitment of child to a certified school.

(2) Where prior to the commencement of this Act a juvenile offender has been sentenced to transportation or imprisonment, the Government may direct that in lieu of undergoing or completing such sentence he shall, if under the age of fourteen years, be sent to a certified school; and thereupon the offender shall be subject to all the provisions of this Act as if he had been originally sentenced to detention in such school.

30. (1) A court may, if it shall think fit, instead of directing any juvenile offender to be detained in a certified school, order him to be—

Power to discharge juvenile offender or to commit him to suitable custody.

(a) discharged after due admonition, or

(b) released on probation of good conduct and committed to the care of his parent or guardian or other adult relative or other fit person, on such parent, guardian, relative or person executing a bond, with or without sureties, as the court may require, to be responsible for the good behaviour of the juvenile offender for any period not exceeding three years and for the observance of such other conditions as the court

may impose for securing that the juvenile offender may lead an honest and industrious life. The court may order that the juvenile offender released under this clause be placed under the supervision of a probation officer.

(2) If it appears to the court, on receiving a report from the probation officer or otherwise, that the offender has not been of good behaviour during the period of his probation, it may after making such enquiry as it deems fit, order the offender to be detained in a certified school.

Appointment of probation officers.

29 ~~31.~~ (1) A probation officer shall be—

(*a*) any person appointed to be a probation officer by the Government, or

(*b*) any person appointed for this purpose by a society recognised in this behalf by the Government, or

(*c*) when there is no person appointed under clause (*a*) or (*b*), any other person appointed from time to time by the court for any particular case subject to general or special orders of the Government.

(2) A probation officer, in the exercise of his duties under any supervision order, shall be subject to the control of the District Magistrate of the district in which the court which passes any order under this Act in respect of the child is situate.

Duties of probation officers.

30 ~~32.~~ A probation officer shall, subject to the rules made under this Act and to the directions of the court—

(*a*) visit or receive visits from the child or the juvenile offender at such reasonable intervals as may be specified in the order passed by the court or subject thereto, as the probation officer may think fit;

(*b*) see that the relative of the child or the juvenile offender, as the case may be, or other person to whose care such child or juvenile offender is committed, observes the conditions of the bond;

(*c*) report to the court as to the behaviour of the child or the juvenile offender, as the case may be;

(*d*) advise, assist and befriend the child or the juvenile offender and when and where necessary, endeavour to find him suitable employment; and

(*e*) perform any other duty which may be prescribed.

Power to order parent to pay fine, etc., instead of child.

31 ~~33.~~ (1) Where a child is found to have committed an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall if the child is under fourteen years of age, order that the fine be paid by the parent or guardian of the child, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so; but save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

(4) A parent or guardian may appeal against any such order as if it had been an order passed in proceedings against himself.

Detention in the case of certain crimes committed by children.

32 ~~34.~~ (1) When a child is found to have committed an offence of so serious a nature that the court is of opinion that no punishment which, under the provisions of this Act, it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

(2) Notwithstanding the provisions of section 27, the Government may order any such child to be detained in such place and on such conditions as it thinks fit and while so detained the child shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child could have been sentenced for the offence committed.

3 ~~35.~~ (1) Where a child charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether— **Methods of dealing with children charged with offences.**

(*a*) by discharging the offender after due admonition; or

(*b*) by committing the offender to the care of his parent, guardian, other adult relative, or other fit person, on such parent, guardian, relative or person executing a bond to be responsible for his good behaviour; or

(*c*) by so discharging the offender and placing him under the supervision of a person named by the court; or

(*d*) by releasing the offender on probation of good conduct; or

(*e*) by sending the offender to a certified school; or

(*f*) by sentencing the offender to caning, administered by way of cuts not exceeding six on each hand in cases where the conduct of the offender has been such as to lead the court to believe that no other punishment would be effective; or

(*g*) by ordering the offender to pay a fine; or

(*h*) by ordering the parent or guardian of the offender to pay a fine; or

(*i*) where the offender is a child of fourteen years of age or upwards, by sentencing him to imprisonment; or

(*j*) by dealing with the case in any other manner in which it may legally be dealt with:

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

(2) Where a child is charged with an offence punishable with fine only, and is dealt with under clause (*g*) of sub-section (1) the court may in default of payment of fine order the offender to be sent to a certified school for a period not exceeding three years.

34 ~~36.~~ For the purpose of determining the sentence or order which a court ought to pass or make under this part against any person tried by or brought before it, the court shall, after recording its finding on the facts of the case, have regard to the character of the person and the circumstances in which he is living as disclosed by the facts of the case or, on further inquiry, by any other evidence or information. **Investigation of character and circumstances.**

PART V.

PROHIBITION OF PUBLICATION OF NAMES, ADDRESSES OR OTHER DETAILS CONCERNING CHILDREN INVOLVED IN OFFENCES.

35 ~~37.~~ (1) No report in any newspaper or news sheet of any offence by or against a child or of any proceedings in any court relating to such offence shall disclose the name, address or school, or include any particulars calculated to lead to the identification of any such child, nor shall any picture be published as being or including a picture of any such child. **Penalty for publishing names and addresses of children involved in offences.**

(2) Any person who publishes any report or picture in contravention of the provisions of this section shall be punishable with imprisonment of either description for a term not exceeding two months or with fine or with both.

PART VI.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO CI[illegible] SCHOOLS OR COMMITTED TO THE CARE OF RELATIVES OR OTHER FIT PERSONS.

36 ~~38.~~ (1) The court which makes an order for the detention of a child or youthful offender in a certified school or for the committal of a child or youthful offender, to the care of a relative or other fit person may make an order on the parent or **Contribution of parent.**

other person liable to maintain the child, or youthful offender to contribute to his maintenance, if able to do so, in the prescribed manner.

(2) The court before making any order under sub-section (1) shall inquire into the circumstances of the parent or other person liable to maintain the child or youthful offender and shall record the evidence, if any, in the presence of the parent or such other person as the case may be or, when his personal attendance is dispensed with in the presence of his pleader.

(3) Any order made under this section may from time to time be varied by the court.

(4) The persons liable to maintain a child or youthful offender shall for the purpose of sub-section (1) include in the case of illegitimacy his putative father:

Provided that where the child, or youthful offender is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1904, the court shall not ordinarily make an order for contribution against the putative father, but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them, as the case may be towards the maintenance of the child or youthful offender

(5) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1904.

7 ~~39.~~ The managers of a certified school to which a child under the age of eight years is sent may, with the consent of the Chief Inspector, board the child out with any suitable person until the child reaches the age of ten years and thereafter for such longer period, with the consent of the Chief Inspector, as the managers consider to be advisable in the interest of the child, subject to the exercise by the managers of such powers as to supervision, recall, and otherwise as may be prescribed; and where a child is so boarded out he shall nevertheless be deemed for the purposes of this Act to be a child detained in the school, and the provisions of this Act shall apply accordingly, subject to such necessary adaptations as may be made by the Government.

Placing out on licence.

38 ~~40.~~ (1) Where a child or youthful offender is detained in a certified school, the managers of the school may at any time, with the consent of the Chief Inspector, by licence permit the child or juvenile offender on the conditions prescribed in this behalf to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him with a view to educate him or train for some useful trade or calling.

(2) Subject to the prescribed conditions, the Chief Inspector may, on the recommendation of the visitors or managers of a certified school, at any time after the expiration of six months from the commencement of the detention of a juvenile offender in a certified school, and if satisfied that there is a reasonable probability that the juvenile offender will abstain from crime and lead a useful and industrious life, release such offender from the school and grant him a written licence in the prescribed form and on the prescribed conditions, permitting him to live under the supervision and authority of such responsible person or society approved by the Chief Inspector as may be willing to take charge of the offender.

(3) Any licence granted under sub-section (1) or (2) shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

(4) The managers of the school or the Chief Inspector, as the case may be, may at any time by order in writing revoke any such licence, and order the child or juvenile offender to return to the school and shall do so at the desire of the person or society with whom or under whose supervision the child or juvenile offender is licensed to live. If the child or juvenile offender refuses or fails to return to the school, the managers of the school or the Chief Inspector, as the case may be, may, if necessary, arrest or cause to be arrested, the child or juvenile offender and take him or cause him to be taken to the school.

(5) When a licence has been revoked or forfeited and the child or juvenile offender refuses or fails to return to the school, the court may, if satisfied by information on oath or solemn affirmation that there is reasonable ground for believing that his parent or guardian could produce the child or juvenile offender, issue a summons requiring the parent or guardian to attend at the court on such a day as may be specified in the summons and to produce the child or juvenile offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be punished with a fine which may extend to fifty rupees.

(6) Where a parent or guardian is directed to pay a fine under this section the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

(7) The time during which a child or juvenile offender is absent from a certified school in pursuance of a licence under this section shall be deemed to be part of the time of his detention in the school; provided that, where a child or juvenile offender has failed to return to the school on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

39 ~~41.~~ Whoever— Penalty abetting escape of juvenile offender child.

(*a*) knowingly assists or induces, directly or indirectly, a child or juvenile offender detained in or placed out on licence from a certified school to escape from the school or from any person with whom he is placed out on licence, or any child to escape from the person to whose care he is committed under the provisions of this Act;

(*b*) knowingly harbours, conceals, or prevents from returning to school or to any person with whom he is placed out on licence or to whose care he is committed under this Act, a child, or juvenile offender, who has so escaped, or knowingly assists in so doing—

shall be punishable with imprisonment of either description for a term which may extend to two months or with fine which may extend to two hundred rupees, or with both.

40 ~~42.~~ The period for which a child or juvenile offender is to be detained in a certified school shall be specified in the order in pursuance of which he is sent there, and shall be such period not being less than two years in the case of a juvenile offender who at the date of the order is over the age of fifteen years and three years in the case of other juvenile offenders as to the court may seem proper for his teaching and training, but not in any case extending beyond the time when he will, in the opinion of the court, attain the age of eighteen years. Period of detention

41 ~~43.~~ (1) The Government may at any time order a child or juvenile offender to be discharged from a certified school, either absolutely or on such conditions as the Government approves. Discharge and transfer

(2) The Government may order a juvenile offender over the age of sixteen years detained in a certified school to be transferred to a Borstal School established under the Mysore Borstal Schools Act, in the interest of discipline or for other special reasons:

Provided that the whole period of the detention of the child or juvenile offender shall not be increased by the transfer.

(3) Upon the transfer of a juvenile offender to a Borstal School under sub-section (2), the provisions of the Mysore Borstal Schools Act, shall apply to such offender as if he had been originally ordered to be detained in a Borstal School under that Act.

The Government may at any time in its discretion discharge child from the care of any person to whose care he is committed nder this Act, either absolutely or on such conditions as the Government approves, and may, if it thinks fit, make rules in elation to children so committed to the care of any person and o the duties of such persons with respect to such children.

~~44.~~ The Chief Inspector may direct any child or juvenile offender to be transferred from one certified school to another: Transfer from one certified school to another.

Provided that the total period of detention of the child or juvenile offender shall not be increased by such transfer.

PART VII.

CERTIFIED SCHOOLS AND OTHER INSTITUTIONS.

Establishment and certification of schools.

43 ~~45.~~ (1) The Government may establish and maintain schools for the reception of children and juvenile offenders.

(2) The Government may certify that any school or other educational institution not established under sub-section (1) is fit for the reception of children or juvenile offenders.

Management of schools.

44 ~~46.~~ (1) For the control and management of every school established under sub-section (1) of section ~~45~~, a superintendent and a committee of visitors shall be appointed by the Government, and such superintendent and committee shall be deemed to be the managers of the school for the purposes of this Act.

(2) Every school certified under sub-section (2) of section ~~45~~ shall be under the management of a governing body who shall be deemed to be the managers of the school for the purposes of this Act.

Inspection of schools.

45 ~~47.~~ (1) The Government may appoint a chief inspector of certified schools and such number of inspectors and assistant inspectors as it thinks advisable to assist the chief inspector and every person so appointed to assist the chief inspector shall have such of the powers and duties of the chief inspector as the Government directs but shall act under the direction of the chief inspector.

(2) Every certified school shall, at least once in every six months, be inspected by the chief inspector of certified schools, or by an inspector or assistant inspector: provided that where any such school is for the reception of girls only and such inspection is not made by the chief inspector, the inspection shall, where practicable, be conducted by a woman.

Power of inspectors.

46 ~~48.~~ A certified school shall be liable to inspection at all times and in all its departments by the chief inspector or inspector or assistant inspector.

Medical inspection.

47 ~~49.~~ Any registered medical practitioner empowered in this behalf by the Government may visit any certified school at any time with or without notice to its managers in order to report to the Chief Inspector on the health of the inmates and the sanitary condition of the school.

Power of Government to withdraw certificate.

48 ~~50.~~ The Government, if dissatisfied with the condition, rules, management, or superintendence of a certified school, may at any time by notice served to the managers of the school, declare that the certificate of the school is withdrawn as from a time specified in the notice, and at that time the withdrawal of the certificate shall take effect and the school shall cease to be a certified school:

Provided that the Government may, if it thinks fit, instead of so withdrawing the certificate, by notice served on the managers of the school, prohibit the admission of children or juvenile offenders to the school for such time as may be specified in the notice or until the notice is revoked:

Provided also that, before the issue of notice under this section or under the first proviso thereto, a reasonable opportunity shall be given to the managers of the school to show cause why the certificate shall not be withdrawn or admission to the school shall not be prohibited as the case may be

Registration of certificate by managers.

49 ~~51.~~ The managers of a certified school may, on giving six months' notice in writing to the Government through the Chief Inspector of their intention so to do, resign the certificates of the school, and accordingly at the expiration of six months from the date of the notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect, and the school shall cease to be a certified school.

Effect of withdrawal or registration of certificate.

50 ~~52.~~ A child or juvenile offender shall not be received into a certified school in pursuance of this Act after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate or after the date of a notice of resignation of the certificate; but the obligation hereinafter mentioned of the managers to teach, train, lodge, clothe and feed any children or juvenile offenders detained in the school at the respective dates aforesaid shall, except so far as the Government otherwise directs, continue until the withdrawal or resignation of the certificate takes effect.

51 ~~53.~~ When a school ceases to be a certified school, the children or juvenile offenders detained therein shall be either discharged absolutely or on such conditions as Government may impose or transferred by order of the Government to some other certified school in accordance with the provisions of this Act relating to discharge and transfer. Disposal of inmates on withdrawal of registration certificate.

52 ~~54.~~ The Government may establish auxiliary homes for reception of any inmates or any classes of inmates of certified schools or may certify any other such home heretofore established or which hereafter may be established by any other agency, and the certificates may be withdrawn or resigned in like manner as a certificate of a school, and every such home shall, for such purposes as are specified by the Government, be treated as part of the certified school or school to which it is attached. Auxiliary homes.

53 ~~55.~~ The managers of a certified school not established by the Government may decline to receive any child or juvenile offender, proposed to be sent to them in pursuance of this Act, but when they have once accepted any such child or juvenile offender, they shall be deemed to have undertaken to teach, train, lodge, clothe and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school. Liabilities of managers.

54 ~~56.~~ (1) The Government may cause any institution for the reception of poor children supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of any department of the Government, to be visited and inspected from time to time at all reasonable hours, by persons appointed by it for the purpose of securing the health and welfare of the children and the sanitation of the premises. Inspection of institutions for reception of poor children.

(2) Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all registers, relating thereto for the aforesaid purposes. Any person who obstructs him in the execution of his duties shall be liable on conviction to a fine not exceeding fifty rupees.

(3) Where any such institution is carried on in accordance with the principles of any particular religious denomination the Government shall, if so desired by the managers of the institutions, appoint, where practicable, a person of that denomination to visit and inspect the institutions.

(4) Where any such institution is for the reception of girls only, the inspection shall, where practicable, be conducted by a v

PART VIII.

VENILE COURTS.

55 ~~57.~~ (1) The Government may provide for the establishment in any area of one or more separate courts for the conduct of proceedings under this Act at which the attendance of the child is required: Juveni Courts.

Provided that, where a child is accused of an offence triable jointly with any other person not being a child, nothing in this sub-section shall affect or be deemed to affect the powers of the court to try such other person under any other law for the time being in force.

(2) Where no such separate court has been established, the court before which a child is brought shall, unless the child is tried jointly with any other person not being a child, whenever practicable sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART IX.

MISCELLANEOUS.

56 ~~58.~~ (1) In determining the certified school which a chil or juvenile offender is to be sent under this Act, the court shall ascertain the religious denomination of the child or juvenile offender and shall, if possible, select a school in which facilities are afforded for instruction in his religion. Provisi as to religio

(2) In determining the person to whose care a child shall be committed under this Act, the court shall ascertain the

religious denomination of the child, and shall, if possible, select a person of the same religious denomination or a person who gives such undertaking as seems to the court sufficient that the child will be brought up in accordance with the religion of the child and such religion shall be specified in the order.

(3) In any case where a child has been committed pursuant to any such order to the care of a person who is not of the religious denomination of the child or who has not given such undertaking as aforesaid, the court which made the order or any court of like jurisdiction shall, on the application of any person in that behalf and on its appearing that a fit person of the religious denomination of the child or who will give such undertaking as aforesaid is willing to undertake the care of the child, make an order committing him to the care of such fit person.

(4) When a child is committed to the care of a certified school in which facilities for instruction in his religion are not afforded or to a person who does not give an undertaking that the child entrusted to him will be brought up in his religion (for want of a certified school or person of the religion of the child), the court shall take an undertaking from such school or such person that the child shall not be brought up in any religion other than his own.

(5) Where a child is boarded out or where a child or juvenile offender is permitted by licence to live with any other person, the manager of the school shall select for this purpose a person of the same religion as the child, or juvenile offender, as the case may be, if such person is available, and if no such person is available then a person who gives a satisfactory undertaking that the child or juvenile offender shall be brought up in accordance with the religion of such child, or juvenile offender, and if no such person is available then another person within the provisions of section 39 or 40, as the case may be.

(6) When a child has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child shall be liable to be removed from the care of such person and dealt with according to the provisions of sub-section (3) of this section.

(7) Whenever any person interested in the religion of the child is informed of any attempt at conversion or tampering with his religion, he may apply to the court for an enquiry and the court on being satisfied may issue an order removing the said child from the custody of such institution or person and hand over the custody to another fit person or institution.

7 ~~59.~~ When a child who has been brought before a magistrate under any of the provisions of this Act, is found to be suffering from a venereal or tubercular disease, the magistrate, if satisfied that medical treatment is necessary and the child will not otherwise get such treatment, may commit the child to an approved place for such period as he may think necessary, and may from time to time extend the said period.

8 ~~60.~~ When a child is found to have committed any offence the fact that he has been so found shall not have any effect under section 75 of the Indian Penal Code, or section 565 of the Code of Criminal Procedure, 1904, or operate as a disqualification for office or election under any law.

attaching to convictions for offences.

Control of custodian over child.

59 ~~61.~~ Any person to whose care a child is committed under the provisions of this Act shall, while the order is in force, have the like control over the child as if he were his parent, and shall be responsible for his maintenance, and the child shall continue in his care notwithstanding that he is claimed by his parent or any other person.

Bonds taken under the Act.

60 ~~62.~~ The provisions of Chapter XLII of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this Act.

Appeals

61 ~~63.~~ (1) An appeal from an order made by a court under sections 7, ~~8, 9, 10, 11, 12, 14, 15, 16, 17, 20, 24, 38, 40, or 5~~ shall lie—

(a) if passed by a juvenile court, to a District Magistrate

(b) if passed by any magistrate, to the Court of Session and

(c) if passed by a Court of Session, to the High Court.

(2) No appeal shall lie from any order passed in any such ppeal.

(3) Any order passed under the provisions of this Act and ot subject to appeal under sub-section (1) may be revised by he High Court.

Powers to amend orders.

64. Without prejudice to the powers of courts of appeal nd revision, any custody order, supervision order or probation rder may be amended by the court which made the order, in respect of the person named as custodian, supervisor or probation officer, the period of duration, and such matters of detail as may be prescribed.

Rules.

65. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing, such rules may be made with regard to—

(a) the establishment and maintenance of certified schools and auxiliary homes, and the certification of schools as certified schools and of auxiliary homes;

(b) the management of certified schools and auxiliary homes;

(c) the appointment of visitors and their tenure of office;

(d) the inspection of certified schools;

(e) the maintenance, education and industrial training of the inmates of certified schools;

(f) the conveyance of juvenile offenders and children to certified schools

(g) the grant of permission to the inmates of certified schools to absent themselves for short periods;

(h) visits to and communication with the inmates of certified schools;

(i) the punishment of offences committed by the inmates of certified schools;

(j) the inspection of the institutions referred to in section 56;

(k) the manner of detention of children under arrest or remanded or committed for trial;

(l) the procedure to be adopted in any case or inquiry under this Act before any court other than a juvenile court;

(m) the persons who may be authorised to act under section 7 or 10;

(n) the manner in which a child may be committed to the care of relative or other fit person, and the duties of such persons and the supervision of such children;

(o) the conditions subject to which a juvenile offender may be released on licence under sub-section (2) of section 40 and the form and conditions of such licence;

(p) the manner in which a juvenile offender may be released on probation;

(q) matters incidental to the appointment, resignation and removal of probation officers and the remuneration and expenses payable to them;

(r) the duties of probation officers;

(s) the conditions on which societies may be recognised by the Government for providing probation officers;

(t) the contribution by parents and other persons liable to maintain juvenile offenders and children;

(u) the boarding out of children and the licensing and supervision of children and juvenile offenders and the submission reports regarding them;

(v) the procedure to be adopted in juvenile courts; and

(w) the time within which appeals under section 63 shall be filed.

(3) All rules made under this section shall be published in the official Gazette, and on such publication they shall have the same effect as if enacted in this Act.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,
Dated Bangalore, 14th November 1942.

NOTIFICATION

Under the provisions of rule 30 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying

The Mysore Borstal Schools Bill

together with the Statement of Objects and Reasons.

By Order,

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and supply of copies to the Secretariat.

Copy in the Translation Section

Memo No RL. 589 dated Bangalore 16.11.42

Copy of the above is forwarded with

9. THE MYSORE BORSTAL SCHOOLS BILL.

Statement of objects and ~~Statement of Principles~~.

The Children Act and the Borstal School Act together with the Act for the Release on Probation of Offenders, form, in the opinion of the Prison Reform Committee, the foundation on which all measures for the prevention and treatment of crime by the young are based. The need for two independent enactments, *viz.*, the Children Act and the Borstal Schools Act, in place of the existing Juveniles Act of 1939 has been indicated in the statement of principles of the Children Bill.

The Committee have drawn up a Bill to provide for the establishment of Borstal Schools, and it is considered desirable to pass it into law.

The Bill deals with offenders between the ages of sixteen and twenty-one years, who are likely with proper training to turn out well. Instead of subjecting them indiscriminately to the hardening process of imprisonment, it selects such of them as are likely to be benefited thereby to undergo a course of corrective and reformative treatment and training in a residential institution on public school lines.

THE MYSORE BORSTAL SCHOOLS BILL.

An Act to provide for the Establishment and Regulation of Borstal Schools in Mysore.

WHEREAS it is expedient to provide for the establishment and regulation of Borstal Schools in Mysore;

It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called the Mysore Borstal Schools Act,—.

Extent and commencement.

2. (1) This Act shall apply to the whole of Mysore.

(2) It shall come into operation in any local area in Mysore on such date as the Government may, by notification in the official Gazette, appoint in this behalf.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Borstal School" means a place in which young offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;

(*b*) "Inspector-General" means the Inspector-General of Prisons and includes any officer appointed by the Government to perform all or any of the duties imposed by this Act on the Inspector-General; and

(*c*) "Prescribed" means prescribed by rules made under this Act.

Establishment of Borstal Schools.

4. (1) For the purposes of this Act the Government may establish one or more Borstal Schools.

(2) For every Borstal School, a Visiting Commit shall be appointed in such manner as may be prescrib

5. Subject to any alterations, adaptations a exceptions made by this Act and the rules framed un it, the Prisons Act, and the Mysore Prisoners Testimc Act, 1894, and the rules framed thereunder shall apply the case of every Borstal School established under t Act as if it were a prison and the inmates prisoners.

PART II.

COMMITTAL TO BORSTAL SCHOOLS.

6. When an offender is found guilty of an offence for which he is liable to be sentenced to transportation or imprisonment, or is liable to imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1904, whether any previous conviction is proved against him or not, and it appears to the Court—

(*a*) that the offender is not less than sixteen or, in any district or place in which the Mysore Children Act,—, is not in operation, less than fifteen nor more than twenty-one years of age; and

(*b*) that by reason of his criminal habits or tendencies or association with persons of bad character it is expedient that the offender should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation; it shall be lawful for the court, if empowered in this behalf, to pass, in lieu of a sentence of transportation or imprisonment, or of an order of imprisonment under Section 123 of the Code of Criminal Procedure, 1904, an order for the detention of the offender in a Borstal School for a term, which shall not be less than three years and shall not exceed five years, but in no case extending beyond the date on which the offender will, in the opinion of the court, attain the age of twenty-three years:

Provided that before passing such an order the court shall give an opportunity to the parents or guardians of the said offender to be heard, and shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal School, and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid:

Provided further that no person who has been previously detained for the whole period prescribed in an order of detention or who has been transferred to prison under Section 13 of this Act, shall again be ordered to be detained.

7. The Government may, by rules made under this Act, direct that any class or classes of persons specified in such rules shall not be ordered to be detained in a Borstal School. **Power of Government to exempt.**

8. The powers conferred on courts by this Act shall be exercised only by the High Court, a Court of Session, a District Magistrate, a Sub-Divisional Magistrate, or a Magistrate of the first class, and may be exercised by such courts whether the case comes before them originally, or on appeal, or in revision. **Courts empowered to pass order for detention**

Procedure when Magistrate is not empowered to pass an order under this Act.

9. (1) When any Magistrate not empowered to pass an order for detention under this Act is of opinion that an offender who has been found guilty by him or who has failed to furnish the security which the Magistrate has ordered him to furnish under Chapter VIII of the Code of Criminal Procedure, 1904, is a proper person to be detained in a Borstal School, he may without passing any order, record such opinion and submit his proceedings and forward the offender to the District Magistrate to whom he is subordinate.

(2) The District Magistrate to whom the proceedings are so submitted may transfer the proceedings to any Magistrate subordinate to him competent to pass an order under this Act.

(3) The District Magistrate to whom the proceedings are so submitted or any Magistrate to whom the proceedings are so transferred may make such further inquiry (if any) as he may think fit, and may pass such order for the detention of the offender in a Borstal School, or such other sentence or order, as he might have passed if such offender had originally been brought before or tried by him.

Limitation of powers conferred by Section 6.

10. Any offender detained in a Borstal School for failure to furnish security when ordered to do so under Section 106 or Section 118 of the Code of Criminal Procedure, 1904, shall be released on furnishing such security or on the passing of an order under Section 124 of the said Code.

Transfer from prison to Borstal School.

11. The Inspector-General may, if satisfied that a person undergoing transportation or imprisonment in consequence of a sentence passed either before or after the commencement of this Act, being within the limits of age within which persons may be ordered to be detained in a Borstal School under this Act, might with advantage be detained in such school, direct him to be transferred from prison to a Borstal School, there to serve the whole or any part of the unexpired residue of his sentence, and whilst detained in such a school, the provisions of this Act shall apply to such person as if he had been originally ordered to be detained in a Borstal School.

Preliminary enquiry and findings as to age of youthful offender.

12. (1) Before passing a sentence under Section 6, the court shall enquire into the age of the offender and after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be.

(2) A similar enquiry shall be made and finding recorded by every Magistrate not empowered to pass sentence under Section 6 before submitting his proceedings and forwarding of the offender to the District Magistrate as required by sub-section (1) of Section 9.

Transfer of incorrigibles, etc., to prison.

13. (1) Where an offender detained in a Borstal School escapes or is reported to the Government by the Inspector-General to be incorrigible or to exercise a bad influence on the other inmates of the school, the Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Government may determine, but in no case exceeding the shortest of the following three periods :—

(*a*) the unexpired residue of the term of detention; or

(*b*) the maximum period of imprisonment provided by law for the offence of which the offender was found guilty or the failure to give security,

as the case may be, in consequence of which the offender was ordered to be detained in a Borstal School;

(c) the maximum period of imprisonment which the court that tried him had authority to award under the Code of Criminal Procedure, 1904.

(2) Such offender may be confined in any prison in Mysore by warrant under the hand of a Secretary to Government, and effect shall be given to such warrant and the sentence of imprisonment passed upon such offender shall be executed in the same manner as if such person had been sentenced by a competent court of criminal jurisdiction.

Government to determine the Borstal School in which a person shall be detained.

14. (1) Every offender ordered to be detained in a Borstal School shall be detained in such Borstal School as the Government may, by general or special order, or in the prescribed manner, appoint for the reception of persons so ordered to be detained:

Provided that if accommodation in a Borstal School is not immediately available for such offender, he may be detained in a special ward, or such other suitable part of a prison as the Government may direct, until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal School.

(2) The Inspector-General may order the removal of any offender from any one Borstal School, to any other Borstal School, provided that the whole period of his detention in a Borstal School shall not be increased by such removal.

PART III.

Release on Licence.

Po rel lic

15. (1) Subject to the prescribed conditions, the Inspector-General may, on the recommendation of the Visiting Committee, at any time after the expiration of six months from the commencement of the detention of an offender in a Borstal School, if he is satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, discharge him from the Borstal School and grant him a written licence in the prescribed form and on the prescribed conditions permitting him to live under the supervision and authority or such—

(a) officer of Government,
(b) secular institution,
(c) religious society, or
(d) responsible person,

as may be approved by the Inspector-General and willing to take charge of the offender.

(2) A licence under this section shall be in force until the expiry of the term for which the offender was ordered to be detained in a Borstal School, unless sooner revoked.

(3) The period during which an offender is absent from a Borstal School during the continuance of a licence granted to him under this section shall, for the purposes of computing his term of detention in such school, be deemed to be part of that detention.

Revocation of licence.

16. (1) Subject to the prescribed conditions, the Inspector-General may at any time, and shall, at the request of the institution, society or person under whose supervision and authority the offender has by licence been permitted to live, revoke a licence granted under Section 15, and upon such revocation the offender shall be detained in a Borstal School until the expiry of the term for which he was ordered to be detained in such school.

(2) If an offender removes himself from the supervision of the institution, society or person under which he was by licence permitted to live, his licence shall be deemed to have been revoked from the date on which he has so removed himself.

Subsequent supervision.

17. (1) When the Inspector-General and the Visiting Committee report that the conduct of any offender detained in a Borstal School has been such that it is expedient that he shall remain under supervision for a further period after the end of the term of detention, the Government may direct that he shall, on the expiration of the term of his detention, remain for a further period not exceeding one year under the supervision of such authority, society or person as the Inspector-General, subject to the rules made under this Act, may direct.

(2) The Government may also direct that any offender who is under supervision in accordance with sub-section (1) shall again be detained in a Borstal School for such period as it may think fit, provided that the total period of detention under this section shall not exceed one year.

Period of detention.

18. No person shall be detained in a Borstal School after he has, in the opinion of the Government, attained the age of twenty-three years, or, if in any particular case the Government so directs, after he has attained the age of twenty-five years.

Arrest of offender escaping from Borstal School, or escaping from supervision.

19. Any offender who, in contravention of the provisions of this Act, has escaped from a Borstal School, or has escaped from the supervision of any authority, institution, society or person under whose supervision he has been directed to remain, or has been permitted to live by licence under Section 15, may be arrested by any officer of Police without warrant and without the order of a Magistrate and sent back to the Borstal School or to such authority, institution, society or person, as the case may be, and his licence shall be forfeited with effect from the date of his escape.

PART IV.

Control and Management of Borstal Schools.

Management of Borstal Schools.

20. Subject to the orders of the Inspector-General and subject also to the rules made by the Government, the control and management of every Borstal School shall vest in a Superintendent appointed by the Government.

Constitution, powers and duties of Visiting Committees.

21. (1) (*a*) Every Visiting Committee appointed under sub-section (2) of Section 4 shall consist of the Sessions Judge, the District Magistrate, the District Educational Officer of the district in which the school is situated and four non-official members appointed by the Government.

(*b*) The non-official members shall hold office for a period of two years, but shall be eligible for re-appointment on the expiry of that period

(2) It shall be the duty of the Visiting Committee and its members—

(*a*) to visit the school either individually o collectively on such occasions as may be fixed by the rules made under this Act in that behalf for the purpose of ensuring that the provisions of this Act are duly given effect to;

(*b*) to make such suggestions for the improvement of the training therein as are considered necessary and to report to the Government or to the Inspector-General from time to time any matter, which in their opinion, should receive attention and annually on the progress of the school;

(*c*) to interview the inmates immediately after their arrival and to make suggestions, if any, as to the special training which each should receive;

(*d*) to consider cases of release on licence under sub-section (1) of section 15 placed before them by the Superintendent; and

(*e*) to consider such action as may be necessary in regard to the inmates whose term of detention is about to expire.

(3) Subject to such rules as may be made in that behalf by the Government, every member of the Committee shall be entitled to call for information from the Superintendent, to examine the records of the school, and to take such other action as he deems necessary for the due discharge of his duties.

22. (1) The inmates of a Borstal School shall be divided by the Superintendent according to their industry and good conduct into four grades, namely:—

(*1*) The penal grade.
(*2*) The ordinary grade.
(*3*) The star grade.
(*4*) The special star grade.

Classification of inmates.

(2) The privileges of each grade shall be higher than those of the grade preceding, if any.

(3) Every inmate shall, on reception in a Borstal school, be placed in the ordinary grade.

(4) The Superintendent may promote or reduce any inmate from one grade to another in accordance with the provisions of sub-section (5), the rules made under this Act, and the general instructions of the Visiting Committee.

(5) Promotions and reductions shall be regulated by close personal observation of the inmates, and shall depend specially on their general behaviour, amenability to discipline and attention to instruction, both literary and industrial.

Punishment for offences.

23. (1) The punishments which may be inflicted on an inmate of a Borstal School for offences specified in the Prisons Act,.....and the rules made thereunder shall be in the following forms and in no other:—

(i) Formal warning.
(ii) Extra drill.
(iii) Deprivation of any of the privileges of the grade.
(iv) Reduction in grade.
(v) Cuts on the hand by a rattan not exceeding six on each hand.

(2) No punishment shall be awarded to any inm by any official of the school except by the Superintend or in his absence the official exercising his functions.

Penalty for introduction or removal of prohibited articles.

24. Whoever, contrary to any rule under section introduces or removes, or attempts by any means whate to introduce or remove, into or from any Borstal inst tion, or supplies or attempts to supply to any inm outside the limits of such institution any prohibi articles, and every officer of a Borstal institution w contrary to such rule, knowingly suffers any such arti to be introduced into or removed from any Bor Institution to be possessed by any inmate, or to be supp to any inmate outside the limits of a Borstal institut and whoever, contrary to any such rules, communic or attempts to communicate with any inmate, whoever abets any offence made punishable under section, shall on conviction before a Magistrate, be li to imprisonment for a term not exceeding six months to fine not exceeding two hundred rupees or to both.

Limitation of hours of work.

25. No inmate of a Borstal School shall be mad work for more than eight hours a day:

Provided that extra drill awarded as a punishm under sub-section (1) of section 23 shall not be deen for the purposes of this section, to be work.

Probation officers.

26. (1) For every inmate released under sub-sect (1) of section 15 there shall be a probation officer app ted by the District Magistrate in consultation with Borstal Association, if any, in the district wherein school is situated or in the district wherein the inm permanently resided at the time he was sentenced un section 6.

(2) Two months prior to the release of any inmate, the Superintendent shall request the District Magistrate to appoint a suitable probation officer as provided in sub-section (1).

(3) The District Magistrate shall communicate all appointments of probation officers made under sub-section (1) to the Superintendent in sufficient time for the inmates concerned being informed of their respective probation officers before their release from the school.

Explanation.—For the purpose of this section, "District Magistrate" shall mean the District Magistrate of the district in which the inmate permanently resided at the time he was sentenced under sectior

PART V.

RULES.

27. (1) The Government may make rules for the regulation and management of any Borstal School and for the carrying into effect of the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or determine—

(*a*) the control and management of Borstal Schools established under this Act;

(*b*) the appointment, powers and duties of officials in such schools;

(*c*) the constitution, powers and duties of Visiting Committees;

(*d*) the classification, control, discipline, training, instruction and treatment of offenders ordered

to be detained in a Borstal School and for the temporary detention of such offenders until arrangements can be made for sending them to such school;

(*e*) the regulation of visits to, and communication with, offenders detained in such school;

(*f*) the restriction or prohibition of the supply to, or possession by offenders detained in such school of any specified articles or kinds of articles;

(*g*) the period for which offenders or any class or classes of offenders may, within the limits fixed by this Act, be ordered to be detained in such school;

(*h*) the class or classes (if any) of offenders who shall not be ordered to be detained in such school;

(*i*) the form and conditions of licences granted under section 15;

(*j*) the supervision of offenders after the expiration of the term of their detention;

(*k*) the transfer of incorrigible offenders from a Borstal School to prison.

(3) All rules made under this Act shall be published official Gazette, and on such publication shall have me effect as if enacted in this Act.

PART VI.

Appeal and Revision.

Appeal and revision.

28. (1) For the purposes of appeal and revision nder the Code of Criminal Procedure, 1904, an order of etention under section 6 of this Act, shall be deemed to e a sentence of imprisonment for the same period.

(2) Any person affected by an order of the Inspector-General under this Act may appeal to the Government, whose orders shall be final.

PART VII.

Miscellaneous.

Power of Government to discharge an inmate.

29. The Government may at any time order the discharge of an inmate of any Borstal School either absolutely or subject to such conditions as it may think fit.

Detention in a Borstal School not to be deemed to be a disqualification.

30. The detention of an offender in a Borstal School shall not be deemed to be a disqualification attaching to a conviction for any offence.

Proceedings of the Meeting of the Select Committee on the Mysore Prisons Bill, held in the Chamber of the Minister for Education, on 26th February 1943 at 1 p.m.

Present.

J. Mohamed Imam, Esq., B.A., B.L. Chairm

M. Seshadri, Esq., M.A.
V.V. Monteiro, Esq., M.B.B.S., Etc.
C.Narayanaswami Niadu, Esq., B.A., B.L.
C. Narasimhaiya, Esq, B.A., B.L.
Belur Srinivasa Iyengar, Esq., B.A., B.L.
S. Narayana Rao, Esq., B.A., B.L.
B.S. Puttaswamy, Esq., B.A., B.L.
Dr. T.C.M. Royan, M.D.
K.T. Vasudeva Reddy, Esq., B.A.
A. Bheemappa Naik, Esq., B.A.
Shafiq-ul-Mulk Khan Bahadur
Mohamed Abbas Khan
A.K. Jayamuthu Raju, Esq.,
B.K. Ramakrishnaiya, Esq., M.A., LL.B.(Secretary
G.S.Venkataramana Iyer, Esq., B.Sc., M.L.

Absent

C.Lakshmana Gowda, Esq., B.A., B.L.

The Secretary ~~was~~ read the clause by clause for the consideration of the Committee.

Preamble.

Mr. Mohamed Abbas Khan proposed that the words 'and to provide rules for the regulation of such prisons' be deleted.

Mr. Belur Srinivasa Iyengar opposed the proposal and stated the retention of the above words was absolutely necessary. The Committee agreed with Mr. Belur Srinivasa Iyengar and th Preamble was approved as printed. (later agreed to omit the words as suggested by Mr. Abbas Khan)

CHAPTER I.

Clause 1 including sub-clauses (1), (2) and (3) were approved.

Clause 2 (1) was approved.

Clause 1(2): Mr. Belur Srinivasa Iyengar objected to the words 'be deemed to have been ~~retrospectively~~ made, given and issued under this Act.' He stated that this wording wax

necessary in British Indian Acts because prior to the framing of the existing Act, some legislation was in British India. Whereas, in Mysore this was the first legislation that was being made. He also objected to the word 'retrospective'.

Mr. S. Narayana Rao stated that even in the Preamble it was necessary to say 'and to provide rules fo the regulation of such prisons and prisoners; because in British India there was an Act called the Prisons Act. Since there was no such act in Mysore, he thought it would be better to include the same in the present Bill.

Mr. Mohamed Abbas Khan and others suggested that they might proceed with the Bill and if no provision was found later in the Bill, then they could come back and include whatever provision was necessary.

This was agreed to and the consideration of the next clause was taken up. Sub-clause (3) was passed

Clause 3: Mr. C. Narasimhaiya stated that it was necessary to define the word 'Prisoner'. There were civil prisoners, criminal prisoners, convicted prisc undertrial prisoners, prisoners in police custody and people detained under the provisions of the Defence of India Act and Security Act. The word prisoner had a degraded status in social life. The idea containe the Prison Reform Committee Report was that only convi prisoner should be kept in the jail and not others.

Mr. C.Narayanaswami Naidu explained that the intention was to confine the undertrials separately from the convicted prisoners. The place where the undertrials wer to be confined would not be called a jail. That was why

Mr. C.Narasimhaiya stated that the word 'prisoner was too general and wide and there it was very necessary to define the word in order to avoid any future trouble. He suggested that the wrd 'convicte.. be added before 'Prisoner' in sub-clause (1) ~~which ix was agreed to.~~ It was also agreed to make an addition of a new definition as No.(10) defining the word ~~prixonerx~~ Subsidiary Jail.

Sub-clauses (1), (2) and ~~(3)~~ were approved.

Sub-clause (3): ~~wax~~ The Chairman suggested that this might be taken in the Rules rather than in the Act. It was however agreed to ~~paxx~~ approve it as it was.

Sub-clause (4): It was suggested by the Law Secretary that the definition ought to be changed as follows: "'Civil prisoner' means anyone ~~prixonex~~ who is remanded to custody under section 25 of the Civil Procedure Code."

Mr. Belur Srinivasa Iyengar stated that the definition as printed was quite ~~ax~~ correct.

Mr. C.Narasimhaiya wanted the definition to be altered somewhat on the lines suggested ~~ax~~ by the Law Secretary. ~~This was agreed to.~~

uggested the insertion of the words 'system under' so as to read "remission system" means a system under the rules for the time being in force regulating the ~~a~~ward of marks to, and the consequent shortening of sentences of, prisoners in jails".

This was agreed to.

Sub-clauses (6) and (7) were approved.

Sub-clause (8): The Senior Surgeon Mr. Monteiro suggested that the definition be altered as follows:-

"Medical Assistant, means an Assistant or Sub-Assistant Surgeon subordinate to the

~~This was agreed to.~~ [illegible] definition may be altered

Sub-clause (9) was approved.

CHAPTER II

lauses 4 and 5 were approved.

lause 6: It was agreed to delete the words cal Subordinate'. Clause 6 was approved.

lause 7 was approved.

CHAPTER III.

lauses 8,9,10 and 11(1) were approved.

lause 11(2): Mr. Belur Srinivasa Iyengar observed, instead of leaving it vague 'subject to such general ecial directions as may be given by the Government', the circumstances under which the Superintendent was expected to act in a particular manner be defined by rules.

Mr. S.Narayana Rao wanted that the words 'Central prison' must be defined.

Clause 11(2) was approved.

Clause 12 was approved.

Clause 13 was approved.

In clause 14 it was suggested by Mr.S.Narayana Rao that the word 'action' be substituted for the word 'observations' in the last line.

Clause 14 was approved.

In clause 15. Mr. K.T.Vasudeva Reddy suggested the addition of 'and the visible marks on the dead body if any' in sub-clause (6). Mr. S.Narayana Rao supported the amendment. Dr. Monteiro opposed it on the ground that all those marks certainly be given in the post-mortem report contemplated under sub-clause (9) and this addition was not necessary.

In sub-clause (7) the words 'Medical Subordinate' were deleted.

Mr. S.Narayana Rao suggested the addition of A copy of the records shall be sent to the Inspector General', at the end of clause 15.

Clause 15 was approved.

Clauses 16, 17, 18, 19, 20, 21, 22 and 23 were approved, the words 'Medical Subordinate' ~~be~~ being deleted wherever they occurred.

APTER IV.

Clause 24(1) was appro

Clause 24(2): Mr. S.Narayana Rao, Mr. Abbas Khan and Mr.C.Narasimhaiya requested that provision may be made for the medical examination of civil prisoners also in order to secure their health which could not be neglected.

The Chairman stated that a separate provision ~~may~~ be inserted. Finally it was agreed to delete the word 'Criminal" in the / this subclause

Clause 24(3): Mr.Monteiro suggested that the words ~~xxxxxxx~~ 'woman prisoners' be substituted for the words 'female prisoners': but however it was not found suitable and was not accepted.

Clause 24 was approved, subject to the above observation.

Clauses 25 and 26 were approved.

CHAPTER V.

Chapter V was approv

CHAPTER VI.

Clause 31: Mr.A.Bheemappa Naik wanted that the term 'Unconvicted criminal prisoner' should be defined.

Clause 31 was approved.

Clause 32: Mr. C.Narasimhaiya opposed the idea of
ng the creditor pay for the 'clothing' of the civil
oner detained in a jail under a court decree. In addi-
to losing the money already advanced to the debtor,
as unfair to put the creditor to this additional disadvantage.
e were the Agricultural Relief Act, the Debt Conciliati
the Moneylender's Act, etc., and it was very difficult
collect the loan advanced.

Mr.A.Bheemappa Naik and Mr. S.Narayana Rao agreed with
ling as printed and maintained that clothing must be a
ge upon the creditor who was responsible for keeping
debtor in Jail.

Law Secretary explained that h... the practice was
or the Government to bear the small expenditure in that
respect. But now it was thought not fair to debit the amou
to Government. That was the reason why it was intended to
be recovered from the creditor.

Mr.A.Bheemappa Naik agreed with the Law Secretary and
stated that Government should not be made to pay for the
clothing of the civil prisoner. It was a charge upon the
creditor and it was but right that it should be recovered
from him.

Mr.Belur Srinivasa Iyengar favoured
of the present provision as printed in the Bill.

The Chairman suggested that the word 'clothing' be
deleted. Otherwise clause 32 and 33 were approved.

CHAPTER VII

Clause 34(1): The words 'permission of the Superintendent' was agreed to be substituted for the words 'Superintendent's permission'

Clause 34 was approved.

Clause 35(1): In the last line, the word 'right' was substituted for the 'nin

Clause 35 was approved.

Clause 36: The latter portion "but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration inthe scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner." , gave rise to a serious difference of opinion. Mr. S.Narayana Rao stated that such a serious punishment, especially in the case of a prisoner not bound to do any work at all but who offered to do some work voluntarily was not called for. The only punishment that might be accorded to him was that in future that prisoner need not be permitted to do any work. Minimising his diet was in no case called for.

The CHAIRMAN thought that disqualifying him from entrusting with any work in future was a heavier punishment than dietary alteration.

Mr. Belur Srinivasa Iyengar stated that if a man having once undertaken to do a particular work though voluntarily, showed any tendency to neglect his work, he ought to be punished and the present punishment was necessary in that view.

Mr.G.S.Venkataramana Iyer pointed out that

it was a saving clause and that in the absence of that provision, the neglect of work would have to be delat with under the penal provisions.

Mr.A.Bheemappa Naik also supported the view expressed by Mr.S.Narayana Rao and requested that the clause be suitably amended.

The Committee divided on the issue, 5 voting for and 5 voting against. By means of the casting vote of the Chairman, it was decided to retain the provision as it was printed.

Clause 36 was approved.

CHAPTER VIII

Clauses 37 and 38 were approved, the words 'Medical assistant' being substituted for 'Medical Subordinate'

Clause 39: The clause was redrafted as suggested by the Senior Surgeon as follows:-

> "In every prison there shall be a suitable place for the accommodation or treatment of sick prisoners."

Clause 40: Mr. A.Bheemappa Naik did not agree with the provision. He stated that as long as the prisoner was being placed under guard in a hospital he did not understand the purpose why a bond was required of the prisoner.

Mr. Abbas Khan also objected to the wording. The prisoner might be released temporarily on proper bond to get himself treated wherever he liked, or he might be placed under guard in the hospital. Both could not be done.

Mr. C.Narasimhaiya stated that if a prisoner was ill there were two courses. He may be sent

to a hospital under our jurisdiction, in which case our guards could be posted. There was no use for a bond. Otherwise, if the prisoner so desired, he ~~may~~ might be allowed to undergo treatment anywhere else he liked and release him temporari on obtaining a proper security. He suggested that the clause may be split up into two and redrafted.

Mr. S. NARAYANA RAO drew attention to paragraphs 53 and 78 of the Report of the Commit on prison Reform in Mysore, 1941 and suggested that 'a home ~~of~~ for mental defectives' should be ~~xxxxxxd~~ attached to the Jail for the treatmen of prisoners if found mentally deficient. He also urged the appointment of a psychiatrist in order to look after the health of prisoners.

The Senior Surgeon explained the present practice. If anybody in the prison was found to be mentally unsound, ~~he would~~ his case would immediately be referred to the Mental Hospital which would consist~~s~~ on its staff a psychiatrist. Our Mental ~~Hospi~~ Hospital ~~is~~ was considered to be the finest institution in the whole of India. ~~He~~ There was a proposal to ~~open a fresh department~~ set apart a portion of the hospital for these mental defective who ~~do~~ did not want active treatment. He therefore did not favour the idea of making any special provision referred to by Mr. S.Narayana Rao.

Mr. S.Narayana Rao stated that the Prison Reform Committee had it in view to open a special home for mental defectives and to provide for periodical examination of such prisoners by a mental expert. ~~S~~ He therefore thought it better to make provision in the Act itself.

The Senior Surgeon stated that once a prisoner was suspected to be insane, he would be handed over to the Mental Hospital. The Hospital would have proper staff to deal with all cases and the prisoner would be treated accordingly. He therefore thought that no fresh provision was necessary.

Messrs. C.Narasimhaiya, A.Bheemappa Naik and B.S.Puttaswami also did not favour the addition of the provision urged by Mr. Narayana Rao

CHAPTER IX.

Chapter IX was approved, as printed.

At this stage (5 p.m.) the Committee rose for the day to meet again at 1 of the clock on Saturday, 27th February 1943.

Proceedings of the Select Committee on Prisons Bill, held on 27th February 1943 in the Chambers of the Minister for Education, from 1 p.m. to 5 p.m.

All the members except Mr. B.S. Puttaswamy were present.

Mr. MAHOMED ABBAS KHAN at the outset enquired whether Section 40 contemplated sickness etc., and in the absence o any such bond mentioned therein, whether a prisoner would be in some custody till the duration of the treatment.

Mr. C. NARAYANASWAMY NAIDU said that the law assumed that a prisoner could give proper security. The object of Section 40 was not to provide for treatment but to make provisi for including the period of treatment in the period of his detention in the prison.

CHAPTER X.

Section 43 was read and approved.

Section 44.

Mr. MAHOMED ABBAS KHAN said that the word "Off in this Section might be specified, as it was left vague

The CHAIRMAN said that 'officer' included all permane employees. It might be even warden.

Section 44 was thereupon approved.

SECTION 45.

Section 45 was approved.

At this stage MR. S. NARAYANA RAO said that they had ready dealt with the main body of the Act itself, becaus only prison offences and rule making powers, etc. remained to be approved. He invited the atten of the Committee to the omission of a chapter on releas parole' On page 134, para 20 of the Prison Reforms Com Report, they had dealt with the advantages o parole system etc. He then suggested that a clause simi to the following might be inserted in the Bill:

... provincial Government or any authority to which it may delegate this power in this behalf may subject to such conditions as may be prescribed by rules, release temporarily for a period not exceeding 10 days in a year, excluding the ~~di~~ time required.....and the date of departure and arrival ~~from any prison~~ any prisoner sentenced to a term of imprisonment of not less than 3 years."

wanted to know whether there were any special reasons for omitting this important and beneficial provision in the draft?

On taking the sense of the Committee, the Committee were unanimous in their opinion to add this useful s

Mr. S. NARAYANA RAO further pointed out that under Section 56, Government had taken power to frame rules, an... suggested that the above-mentioned power might be given to Inspector General of Prisons.

~~Mr. S. NARAYANASWAMI NAIDU~~
The CHAIRMAN said that the drafting of the section, and the inclusion of some other conditions might be left to the discretion of the Secretary, to which the Committee agr...

The SECRETARY said that ... it would be added in a separate new chapter and the subsequent secti... re-numbered.

The CHAIRMAN pointed out that the period of parole would ... ~~could~~ count for the period of imprisonment/ might be made clear in the Section.

Mr. S. NARAYANA RAO then suggested the provision ~~XXXXXXXXXXX~~ to be made for the preventive detention of habitual offenders which was also suggested ~~by~~ in the Prison Reforms Committee Report. (Vide page 307). At the time such a provision was made in the Act of Probation of Offenders Act, it would become necessary to have a similar provision in this Act also. He therefore suggested the provision of something like a criminal settlement.

The CHAIRMAN said, that they were not certain as to what provisions would be made in the Probation of Offenders Bill, and therefore, they need not make a provision in anticipation of something being done later on in another Bill.

clause 58, that word was not added anywhere.

The CHAIRMAN said that the award of marks was meant for that and a remission is made according to the award of marks and consequently the shortening of sentences.

Mr. NARAYANASWAMI NAIDU said that all those were forms of punishment and it came under Section 58 (3)

Sub-clause 4 was adopted.

Sub-section (5) Clause 47.

Sub Section (5) of Section 47 was omitted at the suggestion of Mr. Belur Srinivasa Iyengar, as being out of date and antiquated provision.

Clause 8

Mr. BHEEMAPPA NAIK suggested that in Sub Clause (8), the period of separate confinement might be reduced to 6 weeks, as continuous solitary confinement was pronounced as intolerable and likely to drive a man mad. (Vide para 27 page 90).

The CHAIRMAN said that he would be willing to reduce it to two months.

Mr. V.V. MONTEIRO said that there were certain convicts who challenged the authority and it was necessary to keep it at 3 months to control them. But the Superintendent might n exercise that power to the full[illegible], and he might give one month. and later on reduce it if he found the convict's behaviour was good.

Mr. Belur SRINIVASA IYENGAR pointed out that when the Crim Procedure Code did not permit the Magistrate to award more than one month's solitary confinement, the present provision would permit the Jail Superintendent to award 3 months Solitary confinement

The CHAIRMAN stated that this would be used in extreme cases and the power to award solitary punishment [illegible] more than one month always rested with the Inspector General. He suggested that it might be reduced to two months.

It was thereupon accepted.

Sub Clause 9 was adopted.

Sub-Clause 10.

Mr. BHEEMAPPA NAIK referred to the Prison Reforms Committee Report (Page 90, para 26) and said that there was practically little difference between separate confinement and cellular confinement, in that in the latter case, ~~they~~ the prisoners might see some persons passing by.

The CHAIRMAN said that it was very desirable in certain cases to confine a prisoner entirely out of sight of other persons, as in the case of a prisoner ~~revolting~~ appealing the authorities.

Mr. V.V. MONTEIRO pointed out that in the Prison Reforms Committee Report, it was said that solitary confinement might be abolished and not the cellular confinement.

Dr. T.C.M. ROYAN wanted to know whether the difference between the two was borderline or borderland?

Mr.V.V. MONTEIRO said that the difference was one of borderline.

Dr. T.C.M. ROYAN was of the opinion, that if they intended to abolish the one, the latter as well might go.

At this stage, the CHAIRMAN said that as they had sent for the Jailer to come, they might defer their decision on the pc till that time.

Sub-clause 11

Sub-clause 11 was adopted.

Section 48.

Mr. BHEEMAPPA NAIK suggested that in sub-clause/(1)(i), it mig emain at "formal warning shall not be combined with any othe unishment." and the rest of the portion deleted.

This was approved.

Sub clause (1) (ii), (iii), (iv) of Section 48 were adopt

Sub-clause (2) of Section 48, Sections 49, 50 and 51 were pproved.

Sub-clause (1) Section 52 was approved.

Section 52 - Sub-section (2)

Mr. BHEEMAPPA NAIK suggested that equal opportunities shou lso be afforded to defend a prisoner.

Mr. MAHOMED ABBAS KHAN said that the existence of this cellular ~~punishment~~ confinement would create a moral fear in the minds of the prisoners.

Mr. BHEEMAPPA NAIK suggested that in that case, the cellular confinement could be reduced at least to 7 days

The CHAIRMAN said that he would agree to reduce it t 10 days.

It was thereupon agreed by the Committee to reduce the period of cellular confinement to 10 days.

Mr. C. NARAYANASWAMI NAIDU suggested that in the prov to sub-clause (10) of Section 47, "sentenced to cellular solitary confinement" be omitted, and instead "punished by such punishment" be added.

This was approved.

Sections 53 and 54 were adopted.

CHAPTER XII.

Section 55.

MR. C. LAKSHMANA GOWDA said that in clause 55, 5th line, the words "all the same incidents" was bad Engl and either "all" should be omitted or "same" should t omitted.

Mr.C. NARAYANASWAMY NAIDU said that they might om ~~xxxx~~ word "all".

It was agreed.

Sections 55, 56 and 57 were ~~added~~ adopted.

Section 58.

Mr. BHEEMAPPA NAIK suggested that ~~in~~ sub-clause of Section 58, might be so altered as to read:

"for the award of marks and for granting of remission and thus shortening remission2.

The CHAIRMAN said that rules would be framed not for the award of marks but also for the shortening (sentences. Both these together constituted the remission system.

Report of the Select Committee on the Mysore Probation of Offenders Bill.

We, the undersigned ~~the~~ members of the Select Committee, to which the Mysore Probation of Offenders Bill was ~~had been~~ referred, have scrutinised the Bill and have the honour to submit this our report with the Bill as amended by us annexed thereto ~~our report as follows~~:--

1. Clause 1(3) may be altered as follows, with a view to make the provision more clear:--

> "This Section shall come into force at once; and the Government may, by notification in the Official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in any local area on such date as may be specified in such notification."

2. Clause 2 (f).--To make the definition more clear we recommend the addition of the words 'and defined in the Code' between the words 'Act' and 'shall'.

3. Clause 4.--We feel that the provision in this clause is less liberal than Section 562 (1A) of the Code in respect of some offences and we accordingly recommend the addition of the following between the words 'convicted' and 'of' in line 3 of the clause:--

> "of theft, theft in a building, dishonest misappropriation, or cheating as defined in the Indian Penal Code. as in force in Mysore or"

4. Clause 7(2).--We feel that when once the trial Court has passed an order under Section 4 or 5, it should not be open to any appellate Court, other than the High Court, to set aside the order and in lieu thereof pass sentence on the offender according to law. We accordingly recommend that

the following be substituted for sub-clause (2):--

> "When an order has been made under Section 4 or 5 in respect of any offender, the High Court, on appeal when there is a right of appeal to such Court, or when exercising its power of revision set aside such an order and in lieu thereof pass sentence on such offender according to law;
>
> Provided that the High Court shall not inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted."

We find that the Madras Probation of Offender s recently been amended by removal of disquali- on attaching to conviction for offences. We [illegible] opinion that similar concession should be extend here also to persons who have satisfactorily completed their probation. This concession would not be availab to a person who has failed to observe the conditions of release and is subsequently dealt with under clause 8(3 of the Bill. We accordingly recommend that a new clau as follows be added as Clause 13, after Clause 12, and the existing Clause [illegible] numbered as [illegible] Clauses 14, 15 and 16.

> "13. Any person who is found guilty of an offence and is dealt with under the provisions of this Act shall not suffer any disqualification attaching to a conviction for the offence;
>
> Provided that this Section shall not apply to a person released on probation if subsequent to such release he was sentenced under sub-section 3 of Section 8 or a penalty was imposed on him under that sub-section."

[illegible] Bill has undergone changes in mat[illegible] particulars, we recommend that the Bill, as amended, be republished.

6 (2) The Bill was published, as required by the rules, in the Official Gazette dated 26th November 1942 in English and Kannada ~~on 26th November 1942~~.

[illegible]

Proceedings of the meeting of the Select Committee to consider the Mysore Probation of Offenders Bill, held in the Chambers of the Minister for Education, on Friday the 9th April 1943, at 1 p.m.

Present:

1. *Mr. J. Mahomed Imam (Chairman).*
2. *Mr. M. Seshadri*
3. *Dr. V. V. Monteiro*
4. *Mr. C. Narayanaswamy Naidu*
5. *Mr. C. Lakshmana Gouda*
6. *Mr. L. S. Raju*
7. *Mr. M. Ramachandra Rao Sindia*
8. *Mr. B. K. Ramakrishnaiya (Secretary).*

Absent:

Mr. H. Venkatarama[illegible].

Clause 1(3):

SECRETARY TO THE COMMITTEE: Sub-clause (3) of this clause may be recast on the lines of sub-section (3) of section 1 of the Madras Act.

This was agreed to.

Clause 2(f):

SECRETARY: In sub-clause (f), the words "and defined in the Code" may be added in the proper place as that makes it clear.

Mr. L. S. RAJU: As it is, it is all right.

In sub-clause (f) of clause 2, it was agreed that the words "and defined in the Code" be added after the word "Act" occurring therein.

Clause 4:

Mr. L. S. RAJU: This clause is more in consonance with section 562 (1-A); section 562 (1A) is a little more favourable

Mr. M. SESHADRI: Where is the need for this provision when there is ~~the Section already~~ a provision in the Cr. Pr. Co.?

Proviso to clause 6(1):

Mr. SESHADRI: This applies not only to the Indian Penal Code but also to other local and special laws. With regard to this proviso, what is the provision in the case of offences not punishable with fine? In such cases there may be difficulty; the complainant will lose the chance of getting compensation. Are there any offences which are not punishable with fine?

Mr. L. S. RAJU: So far as I know, offences not punishable with fine are very rare. I suggest that in this proviso, for the word "could" the word "would" be inserted as the latter appears to be the better word.

Mr. SESHADRI: I do not see the point for this amendment, in view of the limitations, viz. the nature of the offence and the powers of the Magistrate fixed by the Code.

Mr. L. S. RAJU: I propose that the proviso be amended, inserting the words "be reasonable and" after the word "shall" occurring therein.

CHAIRMAN: Let there be a precautionary clause in the proviso to the effect that where there is a provision of fine, the amount of compensation, etc. shall not exceed the amount of fine imposed, but in the case of an offence not punishable with fine, it shall be 'any reasonable amount!

Mr. M. RAMACHANDRA RAO-SINDIA: We shall leave it to the discretion of the Court.

Mr. C. NARAYANASWAMY NAIDU: The proviso may be amended by the addition of the words "not be excessive" after the words "the amount of compensati

and costs so awarded shall" and omitting the rest in that proviso.

Clause 7(2):

Mr. C. NARAYANASWAMY NAIDU: In sub-clause (2) of this clause, the words "the High Court may" may be inserted before the words "in lieu thereof"

Mr. L.S. RAJU: I suggest that for sub-clause (2) as proposed in the Bill, sub-clauses (2) and (3) (with the proviso) be inserted on the lines of sub-sections (2) and (3) of sec. 562 of the Code, with some verbal alteration, viz. substituting the words and figures "Section 4 or 5" for the words "this section" in both the places where they occur. ~~xxxx

"Provided that the High Court shall not (under this sub-clause) inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted."

It was unanimously agreed that after clause 12, a new clause (Clause 13) on the analogy of sec. 12 AT of the Madras Act be inserted and that Clauses 13, 14 and 15 of the Bill be renumbered as Clauses 14, 15 and 16.

Mr. L. S. RAJU: As there are substantial changes in the Bill, I recommend that it be republished.

It was agreed that the Bill be republished.

The Committee adjourned at 2.45 p.m.

C. No. .....
Ref. on Pet. No. ..... } 19 —19
App. No. .....

Dis. No. 5867-72 LC

Enclosure ..... one .....

Dated ..... 29/4/43 .....

Approved on .....

Copied on ..... by .....

Examined on ..... by .....

Signed on .....

Despatched on .....

Entered in—

Current / Petition / Appeal — Register on ..... By .....

Periodical

Reminded on .....

DRAFT

To

The

Docket Abstract.

Sir,

I have the honour to forward herewith a copy of the report of the Select Committee appointed to consider the Hindu Probation of Offenders Bill and to request that the same may be returned to this office very early with your views thereon.

W.
27-4-43.

Forwarded to:-

✓ (1) Mr. M. Seinaou
✓ (2) Dr. V.V. Monteiro
✓ (3) Mr. C. Narayanaswami Naidu
✓ (4) " C. Lakshmanaswami

WD 05043—GPB—30,000—30-12-41

To

The Secretary,

Legislative Council, Bangalore.

OFFICE OF THE SECRETARY
1943
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

Sir,

I return herewith the copy of the Report of the Selec Committee on the Mysore Prisons Bill. I generally approve of the Repo and I hereby indicate my willigness to sign it subject to the minute of dissent, sent herewith.

Yours fathfully,

20th March 43.

Nanjangud

S Narayana Rao

Member, Select Committee.

Minute of Dissent.

At the outset I wish to tender my humble and respectful tribute to the Committee on Prison Reforms in Mysore for the enlightened, sympathetic and learned Report on which the present Prisons Bill is based. It is a masterly survey of the Prison Systems and its recommendations embody all modern trends in Prison Reform. The Report will surely rank as a classic among such reports.

The Prisons Bill taken by itself can be compared to a mere frame work. The rules to be made under the Act must fill in all the essential components and thus give real life to the Act itself. A satisfactory working of the Act will be possible only if the rules are conceived and drafted with the sole idea of fully implementing the recommendations and suggestions made by the Chandrasekharaiyar Committee. Generous assurances were forthcoming that the rules have already been framed actuated by such a spirit. Abundant sympathy was shown by the Chairman and Government Members in the Select Committee while considering the provisions of this Bill. The Bill has secured the genuine goodwill of all the members of the Select Committee.

There are, however, a few aspects which. I venture to believe, are worth considering when the Bill is taken into consideration by the Legislative Council. Persons ordered to furnish security under Sec. 107 Criminal Procedure Code may, without any difficulty, be classed as

classed as unconvicted criminal prisoners. This will enable them to be kept apart from convicted prisoners. In clause 11 (2) it may become necessary to define and differentiate between central prisons and other prisons.

There are a large number of offenders who are above the age of 21 and below 30 who are on their way to become habitual criminals. These are ineligible for treatment under the Borstal ~~Training~~ training, though they are young in years if not young in crime. To meet such cases a system of post-Borstal Training which has been described as "Corrective Training" has been devised. Steps should be taken to reform them before they become hardened and beyond redemption. Clauses ~~12~~ 16, 34, and 35 of Sir Samuel Hoare's Criminal Justice Bill provided for such corrective training.

Then in the case of confirmed recidivists a new form of sentence has been devised known as Preventive Detention. The Committee on Prison Reforms observe at pages 186-187 of their Report that "Preventive Detention is not punitive in character, but merely intended for the protection of society" and that "there is a a real need for some ~~fre~~ form of it in this country". This method is considered as the correct way of dealing with such habituals. The segregation of such persons in special Criminal Settlements where he can live with his family and is trained to lead an honest life under rigid ~~sp~~ supervision, has been recommended. The Criminal Justice Bill envisaged this system also.

Before any ammendment on these lines could be effected in the Prisons Bill, suitable provisions are necessary to be made in the Mysore Probation of Offenders Bill. Hence my attempt in the Select Committee to get these amendments considered were met with the reply that I should get the Probation of Offenders Bill amended first. I therefore respectfully suggest that the Probation of Offenders Bill be first taken into consideration by the Legislative Council and then the Prisons Bill to permit consideration of this question.

One of the terms of the reference to the Committee on Prisons Reform in Mysore was- "The after care of discharged persons ~~and~~ including facilities for their reinstatement in social and ~~x~~ economic life". Chapter 10 of the Report deals in extenso with this

subject. Neglect of after care is described as the "weak spot" in our system. There is no use in deploring the absence of agencies dedicated to such work in Mysore. I suggest that work on the lines adopted by the Bombay Government where a Provincial after organisation care was formed, with its Headquarters in Bombay, may be undertaken. Necessary rules may be framed to blot out this "weak apot".

Every effort should be made through prison and penal reform to reclaim the offender "through appropriate means, educative, psychological and medical" and to produce a real and lasting ~~xxxxxx~~ ~~xxxxxx~~x moral regeneration. Have we spared no pains to provide the machinery to achieve this desirable object ?

REPORT OF THE SELECT COMMITTEE
ON THE MYSORE PRISONS BILL

We, the members of the Select Committee to which the re Prisons Bill has been referred, have considered the several clauses of the Bill and have the honour to submit the following report thereon.-

PREAMBLE:- We recommend that the words "and to provide rules for the regulation of such prisons" may be omitted as unnecessary.

CLAUSE 3:- In sub-clause (1) we recommend that item (c) may be omitted as there is no definition of 'subsidiary jail' and as subsidiary jails are at present governed by the law relating to prisons.

We recommend that in sub-clause (5) after the words "The remission system means", the words "the system under" may be added.

We recommend that sub-clause (8) may be deleted and references to medical subordinate throughout the Bill, except in clauses 17 and 57, may be deleted as a medical subordinate may be appointed by Government for such prisons as may be necessary and need not be a statutory appointment for every prison.

CLAUSE 14:- At the end of second para of this clause, we recommend that the words "and for such action as he deems fit" may be added to make it clear that the report sent to the Inspector-General is not only for information but for action also.

CLAUSE 15:- At the end of clause 15, we recommend that a sentence may be added as follows:- "A copy of the particulars shall be sent to the Inspector-General as soon as may be."

CLAUSE 17:- For the words "medical subordinate", we recommend that the words "medical officer" may be substituted as we have recommended the deletion of reference to medical subordinate.

CLAUSE 24:- We are of the opinion that the health of a prisoner should be examined soon after admission, not only in the case of criminal prisoners but of civil prisoners also; and we therefore recommend that for the words "every criminal prisoner" occurring at the beginning of sub-clause (2) the words "every prisoner" may be substituted.

CLAUSE 33:- We are of the opinion that the cost of clothing supplied by the Superintendent to a civil prisoner should not be a liability upon the person in whose favour the decree is being executed; and we therefore recommend that the words "clothing and" in sub-clause (2) may be deleted.

CLAUSE 34:- In sub-clause (1) for the words "Superintendent's permission" we recommend that the words "permission the Superintendent" may be substituted.

CLAUSE 35:- We are of the opinion that no criminal prisoner should be kept to labour for more than eight hours in any one day and we accordingly recommend that for the words "nine hours" the words "eight hours" may be substituted.

CLAUSE 37:- In the two sub-clauses of this clause, we recommend that for the words "medical subordinate" the words "medical officer" may be substituted.

CLAUSE 39:- For clause 39, we recommend that the following clause may be substituted:-

> "39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners."

CLAUSE 40:- This clause applies to cases where a prisoner is sent to the hospital without being required

be under special guard, the latter case being covered by clause 55. We think that this clause should make it clear that a special guard is necessary in such cases and we -- accordingly recommend that after the words "send him to such hospital" the words "without requiring him to be in or under the custody or control of any prison officer but" may be added.

We also recommend that for the words "lunatic asylum" the words "mental hospital" may be substituted as being more appropriate and the words "or asylum" be deleted.

CLAUSE 41:- Not only should prisoners under trial be permitted to see their legal advisers but such privilege should also be available to prisoners who may be convicted but who intend to prefer an appeal or petition against their conviction. We accordingly recommend that after the words "prisoners under trial" the words "or prisoners intending to prefer an appeal or petition against their conviction" may be added.

CLAUSE 47:- We recommend that sub-clause (5) may be deleted as the other forms of punishment appear to be sufficient.

We recommend that ~~in~~ in sub-clause (8) the maximum period of three months may be reduced to two months.

We recommend that in sub-clause (10) the maximum period of 14 days may be reduced to 10 days. In the proviso to this sub-clause for the words "sentenced to cellular or solitary confinement" we recommend that the words "punished by cellular confinement" may be substituted.

CLAUSE 48:- We think that formal warning should not be combined with any other punishment whatsoever and we accordingly recommend that in item (i) of sub-clause (1) of this clause, the words "extent loss of privilege under

clause 4 of this section may be deleted.

CLAUSE 52:- In the case of serious prison offences, the substance of the evidence of the witnesses for the defence should also be recorded. We accordingly recommend that in sub-clause (2) after the words "evidence of witnesses", the words "~~providing~~ proving the offence or appearing for the defence" shall be added.

TEMPORARY RELEASE OF PRISONERS:- We are of opinion that provision should be made in this Bill for the temporary release of prisoners on parole. Provisions to effect this purpose have been introduced in the Prisoners Act, as applied to the Central Provinces and Berar, by the Central Provinces and Berar Act No.IV of 1939. We accordingly recommend that after chapter XI of the Bill an additional chapter on the lines of the Central Provinces and Berar Act may be added as Chapter XII and the subsequent chapters and clauses may be renumbered suitably.

CHAPTER XII

Temporary Release of Prisoners.

CLAUSE 55 (1):- The Government or any authority to which the GGovernment may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules made by the Government, release, temporarily for a period not exceeding ten days in a year excluding the time required for journeys and the days of departure from and the arrival at prison, any pr[illegible] sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been class[illegible] habitual criminal for purposes of this Act and who has had more than three convictions

(3) No person shall be released under sub-section

sub-section (1), unless

a) he has, at the time of [illegible], [illegible]rved one half of his sentence including remission or a period of not less than two years of his sentence including remission, whichever is less;

b) his conduct in prison has been good;

c) twelve months have elapsed from the date of the expiry of the period of his previous release under this section.

(4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence.

CLAUSE 56:-(1) On the expiry of the period for which a prisoner was released under sub-section (1) of section 46 he shall surrender himself to the officer in charge of the prison from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence.

CLAUSE 57:- Any prisoner who does not surrender himself as required by sub-section (1) of section 46 shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both".

Chapter XIII

CLAUSE 58:- We recommend that for the words "all the same incidents", the words "the same incidents" may be substituted.

CLAUSE 61 (old 58):- In sub-clause (11) we recommend that for the words "as to the food, bedding and clothing", the words "as to the food, clothing and bedding" may be substituted.

The Bill has been published as required by the Rules in Mysore Gazette in English and Kannada dated 26-11-1942. As the Bill has not been materially altered, we recommend that it need not be republished.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

4567-79Lc

Office of the Secretary,
Representative Assembly and Legislative Council.

Dated, Bangalore, 16th March 1943.

From

The Secretary,
Representative Assembly & Legislative Council.

OFFICE OF THE SECRETARY
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

To

Shafiq-ul-Mulk Khan Bahadur
Mahomed Abbas Khan,
Member, Legislative Council, Bangalore.

Sir,

I have the honour to forward herewith a copy of the report of the Select Committee on the Mysore Prisons Bill and to request that it may kindly be returned to this office after approval, at an early date.

I have ...,

B K Ramaprasad

Secretary to the
Select Committee.

Dear Sir, I am returning herewith duly approved copy of the report of the Select Committee. Yours Sincerely

Bs.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE PRISONS BILL.

We, the members of the Select Committee to which the Mysore Prisons Bill has been referred have considered the several clauses of the Bill and have the honour to submit the following report thereon.-

PREAMBLE:- We recommend that the words "and to provide rules for the regulation of such prisons" may be omitted as unnecessary.

CLAUSE 3:- In sub-clause (1) we recommend that item (c) may be omitted as there is no definition of 'subsidiary jail' and as subsidiary jails are at present governed by the law relating to prisons.

We recommend that in sub-clause (5) after the words "The remission system means", the words "the system under" may be added.

We recommend that sub-clause (8) may be deleted and reference to medical subordinate throughout the Bill, except in clauses 17 and 37, may be deleted as a medical subordinate may be appointed by Government for such prisons as may be necessary and need not be a statutory appointment for every prison.

CLAUSE 14:- At the end of second para of this clause, we recommend that the words "and for such action as he deems fit" may be added to make it clear that the report sent to the Inspector-General is not only for information but for action also.

CLAUSE 15:- At the end of clause 15, we recommend that a sentence may be added as follows:- "A copy of the particulars shall be sent to the Inspector-General as soon as may

CLAUSE 17:- For the words "medical subordinate", we recommend that the words "medical officer" may be substituted as we have recommended the deletion of reference to medical subordinate.

CLAUSE 24:- We are of the opinion that the health of a prisoner should be examined soon after admission, not only in the case of criminal prisoners but of civil prisoners also; and we therefore recommend that for the words "every criminal prisoner" occurring at the beginning of sub-clause (2) the words "every prisoner" may be substituted.

CLAUSE 33:- We are of the opinion that the cost of clothing supplied by the Superintendent to a civil prisoner should not be a liability upon the person in whose favour the decree is being executed; and we therefore recommend that the words "clothing and" in sub-clause (2) may be deleted.

CLAUSE 34:- In sub-clause (1) for the words "Superintendent's permission" we recommend that the words "permissi of the Superintendent" may be substituted.

CLAUSE 35:- We are of the opinion that no criminal prisoner should be kept to labour for more than eight hours in any one day and we accordingly recommend that for the words "nine hours" the words "eight hours" may be substituted.

CLAUSE 37:- In the two sub-clauses of this clause, we recommend that for the words "medical subordinate", the words "medical officer" may be substituted.

CLAUSE 39:- For clause 39, we recommend that the following clause may be substituted:-

"39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners."

CLAUSE 40:- This clause applies to cases where a prisoner is sent to the hospital without being required

be under special guard, the latter case being covered by clause 55. We think that this clause should make it clear that a special guard is necessary in such cases and we accordingly recommend that after the words "send him to such hospital" the words "without requiring him to be in or under the custody or control of any prison officer but" may be added.

We also recommend that for the words "lunatic asylum" the words "mental hospital" may be substituted as being more appropriate and the words "or asylum" be deleted.

CLAUSE 41:- Not only should prisoners under trial e permitted to see their legal advisers but such privilege hould also be available to prisoners who may be convicte ut who intend to prefer an appeal or petition against heir conviction. We accordingly recommend that after he words "prisoners under trial" the words "or prisoners ntending to prefer an appeal or petition against their onviction" may be added.

CLAUSE 47:- We recommend that sub-clause 5 may be eleted as the other forms of punishment appear to be suicient.

We recommend that in sub-clause (8) the maximum period of three months may be reduced to two months.

We recommend that in sub-clause (10) the maximum period of 14 days may be reduced to 10 days. In the proviso to this sub-clause for the words "sentenced to cellular or solitary confinement" we recommend that the words "punished by cellular confinement" may be substituted.

CLAUSE 48:- We think that formal warning should not be combined with any other punishment whatsoever and we accordingly recommend that in item (1) of sub-clause (1) of this clause, the words "except loss of privilege under

lause 4 of this section may be delete

CLAUSE 52:- In the case of serious prison offences, he substance of the evidence of the witnesses for the de-ence should also be recorded. We accordingly recommend hat in sub-clause (2) after the words "evidence of wit-esses", the words "~~providing~~ covering the offence or appearing for he defence" shall be added.

TEMPORARY RELEASE OF PRISONERS:- We are of opinion hat provision should be made in this Bill for the tempo-ary release of prisoners on parole. Provisions to effec his purpose have been introduced in the Prisoners Act, as pplied to the Central Provinces and Berar by the Centra rovinces and Berar Act No.IV of 1939. We accordingly ecommend that after chapter XI of the Bill an additional hapter on the lines of the Central Provinces and Berar ct may be added as chapter XII and the subsequent chapters and lauses may be renumbered suitably.

CHAPTER XII.

Temporary Release of Prisoners.

CLAUSE 55(1):- The Government or any authority to hich the Government may delegate its power in this behalf ay, subject to such conditions as may be prescribed by ules made by the Government, release, temporarily for a period not exceeding ten days in a year excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for purposes of this Act and who has had more than 3 convictions

No person shall be released under sub-section (1) unl

he has, at the time of his release, served one half of his sentence including remission or a period of not less than two years of his sentence including remission, whichever is less:

b) his conduct in prison has been good;

c) twelve months have elapsed from the date of the expiry of the period of his previous release under this section.

4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence.

CLAUSE 56:- (1) On the expiry of the period for which a prisoner was released under sub-section (1) of section 46, he shall surrender himself to the officer in charge of the prison from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shallbe remanded to undergo the unexpired portion of his sentence.

CLAUSE 57 Any prisoner who does not surrender himself as required by sub-section (1) of section 46 shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

Chapter XIII

CLAUSE 58:- We recommend that for the words "all the incidents", the words "the same incidents" may be substituted.

CLAUSE 61 (old 58);- In sub-clause (11) we recommend that for the words "as to the food, bedding and clothing," the words "as to the food, clothing andbedding" may be substituted.

The Bill has been published as required by the Rules in Mysore Gazette in English and Kannada dated 26-11-1942. As the Bill has not been materially altered. we recommend that it need not be republished.

C. NARASIMHAYYA, B.A., B.L.,
ADVOCATE,
MEMBER, LEGISLATIVE COUNCIL,
[RESIDENCE: LAKSHMIPURAM.]

536/Al

SANTHEPET,
MYSORE

19-3-1943.

OFFICE OF THE SECRETARY
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL
1943

The Secretary,
Representative Assembly
Legislative Council,
BANGALORE.

Sir,

I have the honour to return the copy of the report of the Select Committee on the Mysore Prison Bill with my approval as desired by you.

I have the honour to be
Sir,
Your most obedient servant

C. Narasimhayya

REPORT OF THE SELECT COMMITTEE
ON THE MYSORE PRISONS BILL

We, the members of the Select Committee to which the Mysore Prisons Bill has been referred, have considered the several clauses of the Bill and have the honour to submit the following report thereon.

PREAMBLE:- We recommend that the words "and to provide rules for the regulation of such prisons" may be omitted as unnecessary.

CLAUSE 3:- In sub-clause (1) we recommend that item (c) may be omitted as there is no definition of 'subsidiary jail' and as subsidiary jails are at present governed by the law relating to prisons.

We recommend that in sub-clause (5) after the words "The remission system means", the words "the system under" may be added.

We recommend that sub-clause (8) may be deleted and references to medical subordinate throughout the Bill, except in clauses 17 and 37, may be deleted as a medical subordinate may be appointed by Government for such prisons as may be necessary and need not be a statutory appointment for every prison.

CLAUSE 14:- At the end of second para of this clause, we recommend that the words "and for such action as he deems fit" may be added to make it clear that the report sent to the Inspector-General is not only for information but for action also.

CLAUSE 15:- At the end of clause 15, we recommend that a sentence may be added as follows:- "A copy of the particulars shall be sent to the Inspector-General as soon as may be."

CLAUSE 17:- For the words "medical subordinate", we recommend that the words "medical officer" may be substituted as we have recommended the deletion of reference to medical subordinate.

CLAUSE 24:- We are of the opinion that the health of a prisoner should be examined soon after admission, not only in the case of criminal prisoner but of civil prisoners also; and we therefore recommend that for the words "every criminal prisoner" occurring at the beginning of sub-clause (2) the words "every prisoner" may be substituted.

CLAUSE 33:- We are of the opinion that the cost of clothing supplied by the Superintendent to a civil prisoner should not be a liability upon the person in whose favour the decree is being executed; and we therefore recommend that the words "clothing and" in sub-clause (2) may be deleted.

CLAUSE 34:- In sub-clause (1) for the words "Superintendent's permission" we recommend that the words "permission of the Superintendent" may be substituted.

CLAUSE 35:- We are of the opinion that no criminal prisoner should be kept to labour for more than eight hours in any day and we accordingly recommend that for the words "nine hours" the words "eight hours" may be substituted.

CLAUSE 37:- In the two sub-clauses of this clause, we recommend that for the words "medical subordinate" the words "medical officer" may be substituted.

CLAUSE 39:- For clause 39, we recommend that the following clause may be substituted:-

> "39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners."

CLAUSE 40:- This clause applies to cases where a prisoner is sent to the hospital without being required to

be under special guard, the latter case being covered by clause 55. We think that this clause should make it clear that a special guard is necessary in such cases, and we accordingly recommend that after the words "send him to such hospital", the words "without requiring him to be in or under the custody or control of any prison officer but" may be added.

We also recommend that for the words "lunatic asylum" the words "mental hospital" may be substituted as being more appropriate and the words "or asylum" be deleted.

CLAUSE 41:- Not only should prisoners under trial be permitted to see their legal advisors but such privilege should also be available to prisoners who may be convicted but who intend to prefer an appeal or petition against their conviction. We accordingly recommend that after the words "prisoners under trial" the words "or prisoner intending to prefer an appeal or petition against their conviction" may be added.

CLAUSE 47:- We recommend that sub-clause 5 may be deleted as the other forms of punishment appear to be sufficient.

We recommend that in sub-clause (8) the maximum period of three months 1 to two months.

We recommend that in sub-clause (10) the maximum period of 14 days may be reduced to 10 days. In the proviso to this sub-clause for the words "sentenced to cellular or solitary confinement" we recommend that the words "punished by cellular confinement" may be substituted.

CLAUSE 48:- We think that formal warning should not be combined with any other punishment whatsoever and we accordingly recommend that in item (i) of sub-clause (1 of this clause, the words "except loss of privilege under

clause 4 of this section may be deleted.

CLAUSE 52:- In the case of serious prison offences, the substance of the evidence of the witnesses for the defence should also be recorded. We accordingly recommend that in sub-clause (2) after the words "evidence of witnesses", the words "~~providing~~ proving the offence or appearing for the defence" shall be added.

TEMPORARY RELEASE OF PRISONERS:- We are of opinion that provision should be made in this Bill for the temporary release of prisoners on parole. Provisions to effect this purpose have been introduced in the Prisoners Act, as applied to the Central Provinces and Berar, by the Central Provinces and Berar Act No.IV of 1939. We accordingly recommend that after chapter XI of the Bill an additional chapter on the lines of the Central Provinces and Berar Act may be added as chapter XII and the subsequent chapters and clauses may be renumbered suitably.

CHAPTER XII

Temporary Release of Prisoners.

CLAUSE 55 (1):- The Government or any authority to which the GGovernment may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules made by the Government, release, temporarily for a period not exceeding ten days in a year excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not a less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for purposes of this Act and who has had more than three convictions.

(3) No person shall be released under sub-section

sub-section (1), unless

a) he [illegible] release, served one half of his sentence including remission or a period of not less than two years of his contence including remission, whichever is less;

b) his conduct in prison has been good

c) twelve months have elapsed from the date of the expiry of the period of his previous release under this section.

4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence.

[illegible] 56:-(1) On the expiry of the period for which a prisoner was released under sub-section (1) of section 46 he shall surrender himself to the officer in charge of the prison from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence.

[illegible] 57:- Any prisoner who does not surrender himself as required by sub-section (1) of section 46 shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both".

CLAUSE 58:- We recommend that for the words "all the same incidents", the words "the same incidents" may be substituted.

CLAUSE 61 (old 58):- In sub-clause (1) we recommend that for the words as to the "food, bedding and clothing", the words "as to the food, clothing and bedding" may be substituted.

The Bill has been published as required by the Rules in Mysore Gazette in English and Kannada dated 26-11-1942. As the Bill has not been materially altered, we recommend that it need not be republished

SSO/M.

OFFICE OF THE ... Mr 2V

Bangalore, 21-3-43

Encl

To

The Secretary, REPRESENT AND LEGISLATIVE COUNCIL

Representative Assembly, and Legislative Council,

Bangalore.

Sir,

With reference to your letter no.4567-79/Lc.dated 17-3-43, forwarding for approval on the report of the selection Committee on the Mysore Prisoners bill, I have the honour to return the same duly approved.

I have the honour to be,
sir,
yours obediently

22/3/1943

S. K. Jayamukhappa
M. L. C.
Doddapalya, Mysore Road
Bangqlore city.

REPORT OF THE SELECT COMMITTEE
ON THE MYSORE PRISONS BILL.

We, the members of the Select Committee to which the Mysore Prisons Bill has been referred, have considered the several clauses of the Bill and have the honour to submit the following report thereon.-

PREAMBLE:- We recommend that to provide rules for the regulation of such prisons" may be omitted as unnecessary.

CLAUSE 3:- In sub-clause (1) we recommend that item (c) may be omitted as there is no definition of 'subsidiary jail' and as subsidiary jails are at present governed by the law relating to prisons.

We recommend that in sub-clause (5) after the words "The remission system means", the words "the system under" may be added.

We recommend that sub-clause (8) may be deleted and reference to medical subordinate throughout the Bill, except in clauses 17 and 37, may be deleted as a medical subordinate may be appointed by Government for such prisons as may be necessary and need not be a statutory appointment for every prison.

CLAUSE 14:- At the end of second para of this clause, we recommend that the words "and for such action as he deems fit" may be added to make it clear that the report sent to the Inspector-General is not only for information but for action also.

CLAUSE 15:- At the end of clause 15, we recommend that a sentence may be added as follows:- "A copy of the particulars shall be sent to the Inspector-General as soon as may b

CLAUSE 17:- For the words "medical subordinate", we recommend that the words "medical officer" may be substituted as we have recommended the deletion of reference to medical subordinate.

LAUSE 24:- We are of the opinion that the health of a prisoner should be examined soon after admission, not only in the case of criminal prisoners but of civil prisoners also; and we therefore recommend that for the words "every criminal prisoner" occurring at the beginning of sub-clause (2) the words "every prisoner" may be substituted.

CLAUSE 33:- We are of the opinion that the cost of clothing supplied by the Superintendent to a civil prisoner should not be a liability upon the person in whose favour the decree is being executed; and we therefore recommend that the words "clothing and" in sub-clause (2) may be deleted.

CLAUSE 34:- In sub-clause (-, --- --- "Superintendent's permission" we recommend that the words "permissi of the Superintendent" may be substituted.

CLAUSE 35:- We are of the opinion that no criminal prisoner should be kept to labour for more than eight hours in any one day and we accordingly recommend that for the words "nine hours" the words "eight hours" may be substituted.

CLAUSE 37:- In the two sub-clauses of this clause, we recommend that for the words "medical subordinate" the words "medical officer" may be substi.....

CLAUSE 39:- For clause 39, we recommend that the following clause may be substituted;-

> 3x2 "39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners."

CLAUSE 40:- This clause applies to cases where a prisoner is sent to the hospital without being required to

be under special guard, the latter case being covered by clause 55. We think that this clause should make it clear that a special guard is necessary in such cases and we accordingly recommend that after the words "send him to su hospital" the words "without requiring him to be in or und the custody or control of any prison officer but" may be added.

We also recommend that for the words "lunatic asylum" the words "mental hospital" may be substituted as being more appropriate and the words "or asylum" be deleted.

CLAUSE 41:- Not only should prisoners under trial be permitted to see their legal advisers but such privileg should also be available to prisoners who may be convicte but who intend to prefer an appeal or petition against their conviction. We accordingly recommend that after the words "prisoners under trial" the words "or prisoners intending to prefer an appeal or petition against their conviction" may be added.

CLAUSE 47:- We recommend that sub-clause 5 may be deleted as the other forms of punishment appear to be sufficient.

We recommend that in sub-clause (8) the maximum period of three months may be reduced to two months

e recommend that in sub-clause (10) the maximum period of 14 days may be reduced to 10 days. In the prov to this sub-clause for the words "sentenced to cellular solitary confinement" we recommend that the words "punis by cellular confinement" may be substituted

CLAUSE 48:- We think that formal warning should no be combined with any other punishment whatsoever and we accordingly recommend that in item (1) of sub-clause (1) of this clause the words "except loss of privilege under

clause 4 of this section" may be deleted.

CLAUSE 52:- In the case of serious prison offences the substance of the evidence of the witnesses for the defence should also be recorded. We accordingly recommend that in sub-clause (2) after the words "evidence of witnesses", the words "~~providing~~ proving the offence or appearing for the defence" shall be added.

TEMPORARY RELEASE OF PRISONERS:- We are of opinion that provision should be made in this Bill for the temporary release of prisoners on parole. Provisions to effect this purpose have been introduced in the Prisoners Act, as applied to the Central Provinces and Berar, by the Central Provinces and Berar Act No.IV of 1939. We accordingly recommend that after chapter XI of the Bill an additional chapter on the lines of the Central Provinces and Berar Act may be added as chapter XII and the subsequent chapters and clauses may be renumbered suitably.

CHAPTER XII.

Temporary Release of Prisoners.

~~CLAUSE~~ 55(1):- The Government or any authority to which the Government may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules made by the Government, release, temporarily for a period not exceeding ten days in a year ~~ex~~ excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for purposes of this Act and who has had more than 3 convictions.

(3) No person shall be released under sub-section (1) unless

a) he has, at the time of his release, served one half of his sentence including remission or a period of not less than two years of his sentence including remission. whichever is less:

b) his conduct in prison has been good;

c) twelve months have elapsed from the date of the expiry of the period of his previous release under this section.

4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence.

CLAUSE 56:- (1) On the expiry of the period for which prisoner was released under sub-section (1) of section 46, e shall surrender himself to the officer in charge of the prison from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shallbe remanded to undergo the unexpired portion of his sentence.

CLAUSE 57:- Any prisoner who does not surrender himself as required by sub-section (1) of section 46 shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

CLAUSE 58:- We recommend that for the words "all the same incidents", the words "the same incidents" may be substituted.

CLAUSE 61 (old 56):- In sub-clause (11) we recommend that for the words "as to the food, bedding and clothing," the words "as to the food, clothing andbedding" may be substituted.

The Bill has been published as required by the Rules in Mysore Gazette in English and Kannada dated 26-11-1942. As the Bill has not been materially altered, we recommend that it need not be republished.

MYSORE MEDICAL DEPARTMENT.

Tele { gram : Senorgen.
phone : No. 2462.

OFFICE OF THE SENIOR SURGEON IN MYSORE,

Bangalore, dated 23 March 1943

No. 823-2
Encl. one

FROM

V. V. MONTEIRO, Esq., M.B.B.S., F.R.F.P.S (Glas.), L.D.S. (Eng.),
Senior Surgeon with the Government of H. H. the Maharaja of Mysore.

OFFICE OF THE SECRETARY
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

To

he Secretary,
Representative Assembly and
egislative Council, Bangalore.

Sir,

I have the honour to retransmit herewith, duly proved, the copy of the report of the Select Committee on the Mysore Prisons Bill, received with your letter - No. 4567-39 dated 17-3-1943.

I have the honour to be,
Sir,
Your most obedient servant,

Senior Surgeon.

REPORT OF THE SELECT COMMITTEE
ON THE MYSORE PRISONS BILL

We, the members of the Select Committee to which the Mysore Prisons Bill has been referred, have considered the several clauses of the Bill and have the honour to submit the following report thereon.-

PREAMBLE:- We recommend that the words "and to provide rules for the regulation of such prisons" may be omitted as unnecessary.

CLAUSE 3:- In sub-clause (1) we recommend that item (c) may be omitted as there is no definition of 'subsidiary jail' and as subsidiary jails are at present governed by the law relating to prisons.

We recommend that in sub-clause (5) after the words "The remission system means", the words "the system under" may be added.

We recommend that sub-clause (8) may be deleted and reference to medical subordinate throughout the Bill, except in clauses 17 and 57, may be deleted as a medical subordinate may be appointed by Government for such prisons as may be necessary and need not be a statutory appointment for every prison.

CLAUSE 14:- At the end of second para of this clause, we recommend that the words "and for such action as he deems fit" may be added to make it clear that the report sent to the Inspector-General is not only for information but for action also.

CLAUSE 15:- At the end of clause 15, we recommend that a sentence may be added as follows:- "A copy of the particulars shall be sent to the Inspector-General as soon as may be."

CLAUSE 17:- For the words "medical subordinate", we recommend that the words "medical officer" may be substituted as we have recommended the deletion of reference to medical subordinate.

CLAUSE 24:- We are of the opinion that the health of a prisoner should be examined soon after admission, not only in the case of criminal prisoners but of civil prisoners also and we therefore recommend that for the words "every criminal prisoner" occurring at the beginning of sub-clause (2) the words "every prisoner" may be substituted.

CLAUSE 33:- We are of the opinion that the cost of clothing supplied by the Superintendent to a civil prisoner should not be a liability upon the person in whose favour the decree is being executed; and we therefore recommend that the words "clothing and" in sub-clause (2) may be deleted.

CLAUSE 34:- In sub-clause (1) for the words "Superintendent's permission" we recommend that the words "permission of the Superintendent" may be substituted.

CLAUSE 35:- We are of the opinion that no criminal prisoner should be kept to labour for more than eight hour in any one day and we accordingly recommend that for the words "nine hours", the words "eight hours" may be substituted.

CLAUSE 37:- In the two sub-clauses of this clause, we recommend that for the words "medical subordinate" the words "medical officer" may be substituted.

CLAUSE 39:- For clause 39, we recommend that the following clause may be substituted:-

> '39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners."

CLAUSE 40:- This clause applies to cases where a prisoner is sent to the hospital without being required to

be under special guard, the latter case being covered by clause 59. We think that this clause should make it clear that a special guard is necessary in such cases and we accordingly recommend that after the words "send him to su hospital", the words "without requiring him to be in or und the custody or control of any prison officer but" may be added.

We also recommend that for the words "lunatic asylum" the words "mental hospital" may be substituted as being more appropriate and the words "or asylum" be deleted.

CLAUSE 41:- Not only should prisoners under trial be permitted to see their legal advisers but such privileg should also be available to prisoners who may be convicted but who intend to prefer an appeal or petition against their conviction. We accordingly recommend that after the words "prisoners under trial" the words "or prisoners intending to prefer an appeal or petition against their conviction" may be added.

CLAUSE 47:- We recommend that sub-clause 5 may be deleted as the other forms of punishment appear to be suf ficient.

We recommend that in sub-clause (8) the maximum period of three months may be reduced to two months.

We recommend that in sub-clause (10) the maximum period of 14 days may be reduced to 10 days. In the provi to this sub-clause for the words "sentenced to cellular o solitary confinement" we recommend that the words "punish by cellular confinement" may be substituted

CLAUSE 48:- We think that formal warning should no be combined with any other punishment whatsoever and we accordingly recommend that in item (i) of sub-clause (1) of this clause, the words "except loss of privilege under

clause 4 of this section" may be deleted.

CLAUSE 52:- In the case of serious prison offences, the substance of the evidence of the witnesses for the defence should also be recorded. We accordingly recommend that in sub-clause (2) after the words "evidence of witnesses", the words "proving the offence or appearing for the defence" shall be added.

TEMPORARY RELEASE OF PRISONERS:- We are of opinion that provision should be made in this Bill for the temporary release of prisoners on parole. Provisions to effect this purpose have been introduced in the Prisoners Act, as applied to the Central Provinces and Berar, by the Central Provinces and Berar Act No.IV of 1939. We accordingly recommend that after chapter XI of the Bill an additional chapter on the lines of the Central Provinces and Berar Act may be added as chapter XII and the subsequent chapters and clauses may be renumbered suitably.

CHAPTER XII

Temporary Release of Prisoners.

CLAUSE 55 (1):- The Government or any authority to which the Government may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules made by the Government, release, temporarily for a period not exceeding ten days in all, excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not a less than three years.

(2) The provisions of sub-section (4) shall not apply to a prisoner who has been classified as a habitual criminal for purposes of this Act and who has had more than three convictions.

(3) No person shall be released under sub-section

sub-section (1), unless

a) he has, at the time of his release, served one half of his sentence including remission or a period of not less than two years of his sentence including remission, whichever is less;

b) his conduct in prison has been good;

c) twelve months have elapsed from the date of the expiry of the period of his previous release under this section.

(4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence.

CLAUSE 56:-(1) On the expiry of the period for which a prisoner was released under sub-section (1) of section 55 he shall surrender himself to the officer in charge of the prison from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence.

CLAUSE 57:- Any prisoner who does not surrender himself as required by sub-section (1) of section 56 shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both".

Chapter XI

CLAUSE 58:- We recommend that for the words "all the same incidents", the words "the same incidents" may be substituted.

CLAUSE 61 (old 58):- In sub-clause (ii) we recommend that for the words as to the "food, bedding and clothing", the words "as to the food, clothing and bedding" may be substituted.

The Bill has been published as required by the Rules in Mysore Gazette in English and Kannada dated 26-11-1942. As the Bill has not been materially altered, we recommend that it need not be republished.

No. 708

Office of the Advocate-General
in Mysore,
Bangalore, dated 22/3/1943.

From

C. Lakshmana Gouda, Esq., B.A., B.L.
Advocate-General
in Mysore, Bangalore.

OFFICE OF THE SECRETARY
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

To

The Secretary,
Representative Assembly
and Legislative Council,
Bangalore.

Sir,

I have the honor to return herewith, duly approved, the report of the Select Committee on the Mysore Prisons Bill received with your letter No. 4567-79/L.C., dated the 16th/17th March 1943.

I have the honor to be,
Sir,
Your most obedient servant,

Advocate-General.

REPORT OF THE SELECT COMMITTEE
ON THE MYSORE PRISONS BILL.

We the members of the Select Committee to which the Mysore Prisons Bill has been referred have considered the several clauses of the Bill and have the honour to submit the following report thereon.-

PREAMBLE:- We recommend that the words "and to provide rules for the regulation of such prisons" may be omitted as unnecessary.

CLAUSE 3:- In sub-clause (1) we recommend that item (c) may be omitted as there is no definition of 'subsidiary jail' and as subsidiary jails are at present governed by the law relating to prisons.

We recommend that in sub-clause (5) after the words "The remission system means". the words "the system unde may be added.

We recommend that sub-clause (8) may be deleted and references to medical subordinate throughout the Bill, ~~except in clauses 17 and 37~~. may be deleted as a medical sub ordinate may be appointed by Government for such prisons as may be necessary and need not be a statutory appointment for every prison.

CLAUSE 14:- At the end of second para of this clause, we recommend that the words "and for such action as he deems fit" may be added to make it clear that the report sent to the Inspector-General is not only for information but for action also.

CLAUSE 15:- At the end of clause 15, we recommend that a sentence may be added as follows:- "A copy of the particulars shall be sent to the Inspector-General as soon as may be."

CLAUSE 17:- For the words "medical subordinate" we recommend that the words "medical officer" may be substituted as we have recommended the deletion of reference to medical subordinate.

CLAUSE 24. We are of the opinion that the health of a prisoner should be examined soon after admission not only in the case of criminal prisoners but of civil prisoners also; and we therefore recommend that for the words "every criminal prisoner" occurring at the beginning of sub-clause (2) the words "every prisoner" may be substituted.

CLAUSE 33:- We are of the opinion that the cost of clothing supplied by the Superintendent to a civil prisoner should not be a [illegible] the person in whose favour the decree is being executed: and we therefore recommend that the words "clothing and" in sub-clause (2) may be deleted.

CLAUSE 34:- In sub-clause (1) for the words "Superintendent's permission" we recommend that the words "permission of the Superintendent" may be substituted.

CLAUSE 35:- We are of the opinion that no criminal prisoner should be kept to labour for more than eight hours in any day and we accordingly recommend that for the words "nine hours" the words "eight hours" may be substituted.

CLAUSE 37:- In the two sub-clauses of this clause we recommend that for the words "medical subordinate" the words "medical officer" may be substituted.

CLAUSE 39:- For clause 39, we recommend that the following clause may be substituted:-

"39. In every prison there shall be provided suitable place for the accommodation and treatment of sick prisoners."

CLAUSE 40:- This clause applies to cases where a prisoner is sent to the hospital without being required to

be under special guard, the latter case being covered by clause 55. We think that this clause should make it clear that a special guard is necessary in such cases and we accordingly recommend that after the words "send him to su hospital" the words "without requiring him to be in or und the custody or control of any prison officer but" may be added.

We also recommend that for the words "lunatic asylum" the words "mental hospital" may be substituted as being more appropriate and the words "or [illegible]

CLAUSE 41:- Not only should prisoners under trial be permitted to see their legal advisers but such privileg should also be available to prisoners who may be convicted but who intend to prefer an appeal or petition against their conviction. We accordingly recommend that after the words "prisoners under trial" the words "or prisoners intending to prefer an appeal or petition against their conviction" may be added.

CLAUSE 47:- We recommend that sub-clause 5 may be deleted as the other forms of punishment appear to be sufficient.

We recommend that in sub-clause (8) the maximum period of three months may be reduced to two months.

We recommend that in sub-clause (10) the maximum period of 14 days may be reduced to 10 days. In the provis to this sub-clause for the words "sentenced to cellular or solitary confinement" we recommend that the words "punished by cellular confinement" may be substituted.

CLAUSE 48:- We think that formal warning should not be combined with any other punishment whatsoever and we accordingly recommend that in item (i) of sub-clause (1) of this clause, the words "except loss of privilege under

clause 4 of this section may be deleted.

CLAUSE 52:- In the case of serious prison offences, the substance of the evidence of the witnesses for the defence should also be recorded. We accordingly recommend that in sub-clause (2) after the words "evidence of witnesses", the words "p~~roviding~~roving the offence or appearing for the defence" shall be added

TEMPORARY RELEASE OF PRISONERS:- We are of opinion that provision should be made in this Bill for the temporary release of prisoners on parole. Provisions to effect this purpose have been introduced in the Prisoners Act, as applied to the Central Provinces and Berar, by the Central Provinces and Berar Act No.IV of 1939. We accordingly recommend that after chapter XI of the Bill an additional chapter on the lines of the Central Provinces and Berar Act may be added as chapter XII and the subsequent chapters and clauses may be renumbered suitably.

CHAPTER XII.

Temporary Release of Prisoners.

CLAUSE 55(1):- The Government or any authority to which the Government may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules made by the Government, release, temporarily for a period not exceeding ten days in a year excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for purposes of this Act and who has had more than 3 convictions.

(3) No person shall be released under sub-section (1) unless

a) he has, at the time of his release, served one half of his sentence including remission or a period of not less than two years of his sentence including remission, whichever is less;

b) his conduct in prison has been good;

c) twelve months have elapsed from the date of the expiry of the period of his previous release under this section.

4) The period of release of a prisoner under sub-section) shall not count towards the total period of his sentence.

CLAUSE 56:- (1) On the expiry of the period for which prisoner was released under sub-section (1) of section 46, shall surrender himself to the officer in charge of the ison from which he was released.

(2) If a prisoner does not surrender himself as required sub-section (1), he may be arrested by any police officer thout a warrant and shall be remanded to undergo the un-pired portion of his sentence.

CLAUSE 57:- Any prisoner who does not surrender him lf as required by sub-section (1) of section 46 shall be ble upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

CLAUSE 58:- We recommend that for the words "all the same incidents", the words "the same incidents" may be substituted.

CLAUSE 61 (old 58);- In sub-clause (11) we recommend that for the words "as to the food, bedding and clothing," the words "as to the food, clothing and bedding" may be substituted.

The Bill has been published as required by the Rules in Mysore Gazette in English and Kannada dated 26-11-1942. As the Bill has not been materially altered, we recommend that it need not be republished.

C. F. No. 46]

GOVERNMENT OF MYSORE

Telegram / phone

OFFICE OF

The Inspector-General of Police

in Mysore,

Camp, Mysore.

No. C.C.158/L.C.

Encls.

Date March 25, 1943.

To

The Secretary,

The Representative Assembly & Legislative Council in Mysore, Bangalore.

Sir,

I have the honour to return herewith after approval, the copy of the report of the Select Committee on the Mysore Prisons Bill enclosed to your letter No.4567-79/L.C. dated the 17th instant.

I have the honour to be,
Sir,
Your most obedient servant,

Inspector-General of Police

APPROVED.

INSPECTOR GENERAL OF POLICE IN MYSORE.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE PRISONS BILL

We, the members of the Select Committee to which the Mysore Prisons Bill has been referred, have considered the several clauses of the Bill and have the honour to submit the following report thereon.-

PREAMBLE:- We recommend "the rules for the regulation of such prisons" may be omitted as unnecessary.

CLAUSE 3:- In sub-clause (1) we recommend that item c) may be omitted as there is no definition of 'subsidiary jail' and as subsidiary jails are at present governed by the law relating to prisons.

We recommend that in sub-clause (5) after the words "The remission system means", the words "the system under" may be added.

We recommend that sub-clause (8) may be deleted and references to medical subordinate throughout the Bill, except in clauses 17 and 57, may be deleted as a medical subordinate may be appointed by Government for such prisons as may be necessary and need not be a statutory appointment for every prison.

CLAUSE 14:- At the end or second para of this clause, we recommend that the words "and for such action as he deems fit" may be added to make it clear that the report sent to the Inspector-General is not only for information but for action also.

CLAUSE 15:- At the end of clause 15, we recommend that a sentence may be added as follows:- "A copy of the particulars shall be sent to the Inspector-General as soon as may be."

CLAUSE 17:- For the words "medical subordinate", we recommend that the words "medical officer" may be substituted as we have recommended the deletion of reference to medical subordinate.

CLAUSE 24:- We are of the opinion that the health of a prisoner should be examined soon after admission, not only in the case of criminal prisoners but of civil prisoners also; and we therefore recommend that for the words "every criminal prisoner" occurring at the beginning of sub-clause (2) the words "every prisoner" may be substituted.

CLAUSE 33:- We are of the opinion that the cost of clothing supplied by the Superintendent to a civil prisoner should not be a liability upon the person in whose favour the decree is being executed; and we therefore recommend that the words "clothing and" in sub-clause (2) may be deleted.

CLAUSE 34:- In sub-clause (1) for the words "Superintendent's permission" we recommend that the words "permission of the Superintendent" may be substituted.

CLAUSE 35:- We are of the opinion t___ __ criminal prisoner should be kept to labour for more than eight hours in any one day and we accordingly recommend that for the words "nine hours" the words "eight hours" may be substituted.

CLAUSE 37:- In the two sub-clauses of this clause, we recommend that for the words "medical subordinate" the words "medical officer" may be substituted

CLAUSE 39:- For clause 39, we recommend that the following clause may be substituted:-

> "39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners."

CLAUSE 40:- This clause applies to cases where a prisoner is sent to the hospital without being required to

be under special guard, the latter case being covered by clause 53. We think that this clause should make it clear that a special guard is necessary in such cases, and we accordingly recommend that after the words "send him to su hospital", the words "without requiring him to be in or und the custody or control of any prison officer but" may be added.

We also recommend that for the words "lunatic asylum" the words "mental hospital" may be substituted as being more appropriate and the words "or asylum" be deleted.

CLAUSE 41:- Not only should prisoners under trial be permitted to see their legal advisers but such privileg should also be available to prisoners who may be convicte but who intend to prefer an appeal or petition against their conviction. We accordingly recommend that afte the words "prisoners under trial" the words "or prisoners intending to prefer an appeal or petition against their conviction" may be added.

CLAUSE 47:- We recommend that sub-clause 5 may be deleted as the other forms of punishment appear to be suf ficient

We recommend that ~~the~~ in sub-clause (8) the maximum period of three months may be reduced to two months.

[illegible] clause (10) the maximum period of 14 days may be reduced to 10 days. In the provi to thi[illegible] r the words "sentenced to cellular o solitary confinement" we recommend that the words "punish by cellular confinement" may be substituted.

CLAUSE 48:- We think that formal warning should no be combined with any other punishment whatsoever and we accordingly recommend that in item (i) of sub-clause (1) of this clause, the words "except loss of privilege under

clause 4 of this section may be deleted.

CLAUSE 52:- In the case of serious prison offences, the substance of the evidence of the witnesses for the defence should also be recorded. We accordingly recommend that in sub-clause (2) after the words "evidence of witnesses", the words "~~providing~~ proving the offence or appearing for the defence" shall be added.

TEMPORARY RELEASE OF PRISONERS:- We are of opinion that provision should be made in this Bill for the temporary release of prisoners on parole. Provisions to effect this purpose have been introduced in the Prisoners Act, as applied to the Central Provinces and Berar, by the Central Provinces and Berar Act No.IV of 1939. We accordingly recommend that after chapter XI of the Bill an additional chapter on the lines of the Central Provinces and Berar Act may be added as chapter XII and the subsequent chapters and clauses may be renumbered suitably.

CHAPTER XII

Temporary Release of Prisoners.

CLAUSE 55 (1):- The Government or any au[illegible] which the Government may delegate its power in this behalf may, subject to such condi[illegible] rules made by the Government, release, temporarily for a period not exceeding ten days in a year excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not a less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for purposes of this Act and who has had more than three convictions.

(3) No person shall be released under sub-section

sub-section (1), unless

a) he has, at the time of his release, served one half of his sentence including remission or a period of not less than two years of his sentence including remission, whichever is less;

b) his conduct in prison has been good;

c) twelve months have elapsed from the date of the expiry of the period of his previous release under this section.

(4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence.

CLAUSE 56:-(1) On the expiry of the period for which a prisoner was released under sub-section (1) of section 46 he shall surrender himself to the officer in charge of the prison from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shall be remanded to undergo the un[illegible] of his sentence.

[illegible] prisoner who does not surrender himself as required by sub-section (1) of section 46 shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both".

Chapter XIII

CLAUSE 58:- We recommend that for the words "all the same incidents", the words "the same incidents" may be substituted.

CLAUSE 61 (old 58):- In sub-clause (11) we recommend that for the words as to the "food, bedding and clothing", the words "as to the food, clothing and bedding" may be substituted.

The Bill has been published as required by the Rules in Lyoore Gazette in English and Kannada dated 26-11-1968. As the Bill has not been materially altered, we recommend that it need not be republished.

REPORT OF THE SELECT COMMITTEE
ON THE MYSORE PRISONS BILL.

OFFICE OF THE SECRETARY
M.L.V.
1943
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

We, the members of the Select Committee to which the ysore Prisons Bill has been referred, have considered the everal clauses of the Bill and have the honour to submit he following report thereon.-

PREAMPLE:- We recommend that the words "and to proide rules for the regulation of such prisons" may be omitted as unnecessary.

CLAUSE 3:- In sub-clause (1) we recommend that item c) may be omitted as there is no definition of 'subsidiary ail' and as subsidiary jails are at present governed by the aw relating to prisons.

We recommend that in sub-clause (5) after the words 'The remission system means", the words "the system under" ay be added.

We recommend that sub-clause (8) may be deleted and eference to medical subordinate throughout the Bill, except in clauses 17 and 37, may be deleted as a medical subordinate may be appointed by Government for such prisons as may be necessary and need not be a statutory appointment for every prison.

CLAUSE 14:- At the end of second para of this clause, we recommend that the words "and for such action as he deems fit" may be added to make it clear that the report sent to the Inspector-General is not only for information but for action also.

CLAUSE 15:- At the end of clause 15, we recommend that a sentence may be added as follows:- "A copy of the particulars shall be sent to the Inspector-General as soon as may be."

CLAUSE 17:- For the words "medical subordinate". we recommend that the words "medical officer" may be substituted as we have recommended the deletion of reference to medical subordinate.

CLAUSE 24:- We are of the opinion that the health of a prisoner should be examined soon after admission, not only in the case of criminal prisoners but of civil prisoners also and we therefore recommend that for the words "every criminal prisoner" occurring at the beginning of sub-clause (2) the words "every prisoner" may be substituted.

CLAUSE 33:- We are of the opinion that the cost of clothing supplied by the Superintendent to a civil prisoner should not be a liability upon the person in whose favour the decree is being executed; and we therefore recommend that the words "clothing and" in sub-clause (2) may be deleted.

CLAUSE 34:- In sub-clause (1) for the words "Superintendent's permission" we recommend that the words "permiss of the Superintendent" may be substituted.

CLAUSE 35:- We are of the opinion that no criminal prisoner should be kept to labour for more than eight hours in any one day and we accordingly recommend that for the words "nine hours" the words "eight hours" may be substituted.

CLAUSE 37:- In the two sub-clauses of this clause, we recommend that for the words "medical subordinate". the words "medical officer" may be substituted.

CLAUSE 39:- For clause 39, we recommend that the following clause may be substituted:-

> "39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners."

CLAUSE 40:- This clause appears to cover where a prisoner is sent to the hospital without being required to

be under special guard, the latter case being covered by clause 55. We think that this clause should make it clear that a special guard is necessary in such cases and we accordingly recommend that after the words "send him to such hospital" the words "without requiring him to be in or under the custody or control of any prison officer but" may be added.

We also recommend that for the words "lunatic asylum" the words "mental hospital" may be substituted as being more appropriate and the words "or asylum" be deleted.

CLAUSE 41:- Not only should prisoners under trial be permitted to see their legal advisers but such privilege should also be available to prisoners who may be convicted but who intend to prefer an appeal or petition against their conviction. We accordingly recommend that after the words "prisoners under trial" the words "or prisoners intending to prefer an appeal or petition against their conviction" may be added.

CLAUSE 47:- We recommend that sub-clause b may be deleted as the other forms of punishment appear to be sufficient.

We recommend that in sub-clause (8) the maximum period of three months may be reduced to two months.

We recommend that in sub-clause (10) the maximum period of 14 days may be reduced to 10 days. In the proviso to this sub-clause for the words "sentenced to cellular solitary confinement" we recommend that the words "punished by cellular confinement" may be substituted.

CLAUSE 48:- We think that formal warning should not be combined with any other punishment whatsoever and we accordingly recommend that in item (1) of sub-clause (1) of this clause, the words "except loss of privilege under

clause 4 of this section may be deleted.

CLAUSE 52:- In the case of serious prison offences the substance of the evidence of the witnesses for the defence should also be recorded. We accordingly recommend that in sub-clause (2) after the words "evidence of witnesses", the words "~~providing~~ having the offence or appearing for the defence" shall be added.

TEMPORARY RELEASE OF PRISONERS:- We are of opinion that provision should be made in this Bill for the temporary release of prisoners on parole. Provisions to effect this purpose have been introduced in the Prisoners Act as applied to the Central Provinces and Berar, by the Central Provinces and Berar Act No.IV of 1939. We accordingly recommend that after chapter XI of the Bill an additional chapter on the lines of the Central Provinces and Berar Act may be added as ~~XII~~ and the subsequent chapters and clauses may be renumbered suitably.

CHAPTER XII.

Temporary Release of Prisoners.

~~CLAUSE~~ 55(1):- The Government or any authority to which the Government may delegate such power in this behalf may, subject to such conditions as may be prescribed by rules made by the Government, release temporarily for a period not exceeding ten days in a year ~~ex~~ excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for purposes of this Act and who has had more than 2 convictions.

(3) No person shall be released under sub-section (1) unless

a) he has, at the time of his release, served one half of his sentence including remission or a period of not less than two years of his sentence

b) his conduct in prison has been good

c) twelve months have elapsed from the date of the expiry of the period of his previous release under this section.

4) The period of release of a prisoner under sub-sectio (1) shall not count towards the total period of his sentence.

CLAUSE 56:- (1) On the expiry of the period for which a prisoner was released under sub-section (1) of section 46 he shall surrender himself to the officer in charge of the prison from his which he was released

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shallbe remanded to undergo the un-expired portion of his sentence.

CLAUSE 57:- Any prisoner who does not surrender himself as required by sub-section (1) of section 46 shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

CLAUSE 58:- We recommend that for the words "all the same incidents", the words "the same incidents" may be substituted.

CLAUSE 61 (old 59);- In sub-clause (11) we recommend that for the words "as to the food, bedding and clothing," the "as th the food, clothing andbedding" may be substituted.

The Bill has been published as required by the rules in Mysore Gazette in English and Kannada dated 26-11-1942. As the Bill has not been materially altered, we recommend that it need not be republished.

PR16.

A. Bheemappa Naik, B.A.,
Vakil & Member
Legislative Council & Senate.

LEGISLATIVE COUNCIL MYSORE

CHITALDROOG
30th March 1943.

3277de

OFFICE OF THE SECRETARY
Mr. D.V.
APR 1943
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

To

The Secretary,
Representative Assembly and
Legislative Council in Mysore
Bangalore.

Sir,

I have the honour to forward herewith two copies of the report of the Select Committee on the Mysore Prisons Bill, one of myself and other of my friend, Mr. K. T. Vasudeva Reddy duly approved. Kindly acknowledge the receipt of it.

I have the honour etc.,

A Bheemappa

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

4567-791-

Office of the Secretary,
Representative Assembly and Legislative Council.

Dated, Bangalore, 16th March 1943.

From

The Secretary,
Representative Assembly & Legislative Council

To

A.Bheemappa Naik, Esq., B.A.,
Member, Legislative Council and Pleader,
Chitaldrug.

Sir,

I have the honour to forward herewith a copy of the report of the Select Committee on the Mysore Prisons Bill and to request that it may kindly be returned to this office after approval, at an early date.

I have etc..

Secretary to the
Select Committee.

REPORT OF THE SELECT COMMITTEE
ON THE MYSORE PRISONS BILL.

We, the members of the Select Committee to which the Mysore Prisons Bill has been referred, have considered the several clauses of the Bill and have the honour to submit the following report thereon.-

PREAMBLE:- We recommend that the words "and to provide rules for the regulation of such prisons" may be omitted as unnecessary.

CLAUSE 3:- In sub-clause (1) we recommend that item (c) may be omitted as there is no definition of 'subsidiary jail' and as subsidiary jails are at present governed by the law relating to prisons.

We recommend that in sub-clause (5) after the words "The remission system means", the words "the system under" may be added.

We recommend that sub-clause (8) may be deleted and reference to medical subordinate throughout the Bill, except in clauses 17 and 37, may be deleted as a medical sub ordinate may be appointed by Government for such prisons as may be necessary and need not be a statutory appointment for every prison.

CLAUSE 14:- At the end of second para of this clause we recommend that the words "and for such action as he deems fit" may be added to make it clear that the report sent to the Inspector-General is not only for information but for action also.

CLAUSE 15:- At the end of clause 15, we recommend that a sentence may be added as follows:- "A copy of the particulars shall be sent to the Inspector-General as soon as may be."

CLAUSE 17:- For the words "medical subordinate", we recommend that the words "medical officer" may be substituted as we have recommended the deletion of reference to medical subordinate.

CLAUSE 24:- We are of the opinion that the health of a prisoner should be examined soon after admission, not only in the case of criminal prisoners but of civil prisoners also; and we therefore recommend that for the words "every criminal prisoner" occurring at the beginning of sub-clause (2) the words "every prisoner" may be substituted.

CLAUSE 33:- We are of the opinion that the cost of clothing supplied by the Superintendent to a civil prisoner should not be a liability upon the person in whose favour the decree is being executed; and we therefore recommend that the words "clothing and" in sub-clause (2) may be deleted.

CLAUSE 34:- In sub-clause (1) for the words "Superintendent's permission" we recommend that the words "permission of the Superintendent" may be substituted.

CLAUSE 35:- We are of the opinion that no criminal prisoner should be kept to labour for more than eight hours in any one day and we accordingly recommend that for the words "nine hours" the words "eight hours" may be substituted.

CLAUSE 37:- In the two sub-clauses of this clause, we recommend that for the words "medical subordinate", the words "medical officer" may be substituted.

CLAUSE 39:- For clause 39, we recommend that the following clause may be substituted:-

"39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners."

CLAUSE 40:- This clause applies to cases where a prisoner is sent to the hospital without being required to

be under special guard, the latter case being covered by clause 55. We think that this clause should make it clear that a special guard is necessary in such cases and we accordingly recommend that after the words "send him to su hospital" the words "without requiring him to be in or und the custody or control of any prison officer but" may be added.

We also recommend that for the words "lunatic asylum" the words "mental hospital" may be substituted as being more appropriate and the words "or asylum" be deleted.

CLAUSE 41:- Not only should prisoners under trial be permitted to see their legal advisers but such privile should also be available to prisoners who may be convicted but who intend to prefer an appeal or petition against their conviction. We accordingly recommend that after the words "prisoners under trial" the words "or prisoners intending [illegible] an appeal or petition against their conviction" may be added.

CLAUSE 47:- We recommend that sub-clause 5 may be deleted as the other forms of punishment appear to be sufficient.

We recommend that in sub-clause (8) the maximum period of three months may be reduced to two months

We recommend that in sub-clause (10) the maximum period of 14 days may be reduced to 10 days. In the provi to this sub-clause for the words "sentenced to cellular solitary confinement" we recommend that the words "punish by cellular confinement" may be substituted.

CLAUSE 48:- We think that formal warning should not be combined with any other punishment whatsoever and we accordingly recommend that in item (1) of sub-clause (1) of this clause, the words "except ions or privilege under

clause 4 of this section may be deleted.

CLAUSE 52:- In the case of serious prison offences, the substance of the evidence of the witnesses for the defence should also be recorded. We accordingly recommend that in sub-clause (2) after the words "evidence of witnesses", the words "providing the offence or appearing for the defence" shall be added.

TEMPORARY RELEASE OF PRISONERS:- We are of opinion that provision should be made in this Bill for the temporary release of prisoners on parole. Provisions to effect this purpose have been introduced in the Prisoners Act, as applied to the Central Provinces and Berar, by the Central Provinces and Berar Act No. IV of 1959. We accordingly recommend that after chapter [illegible] an additional chapter on the lines of the Central Provinces and Berar Act may be added as [illegible] and the subsequent chapters and clauses be renumbered suitably.

CHAPTER XII

Temporary Release of [illegible]

CLAUSE 55(1):- The Government or any authority to which the Government may delegate its power in this behalf may, subject to [illegible] by rules made by the Government, release, temporarily for a period not exceeding ten days in a year [illegible] excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for purposes of this act and who has had more than 3 convictions.

(3) No person shall be released under sub-section (1) unless

a) he has, at the time of his release, served one half of his sentence including remission or a period of not less than two years of his sentence including remission, whichever is less;

b) his conduct in prison has been good

c) twelve months have elapsed from the date of the expiry of the period of his previous release under this section.

4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence.

CLAUSE 55:- (1) On the expiry of the period for which a prisoner was released under sub-section (1) of section 46, he shall surrender himself to the officer in charge of the prison from ~~ak~~ which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence.

~~CAUTION~~ 57:- Any prisoner who does not surrender himself as required by sub-section (1) of section 46 shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

CLAUSE 58:- We recommend that for the words "all the incidents", the words "the same incidents" may be substitut

CLAUSE 61 (~~old 58~~):- In sub-clause (11) we recommend that for the words "as to the food, bedding and clothing," the words "as to the food, clothing and bedding" may be substituted.

The Bill has been published as required by the Rules in Mysore Gazette in English and Kannada dated 26-11-1942. As the Bill has not been materially altered, we recommend that it need not be republished.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Office of the Secretary,
Representative Assembly and Legislative Council.

Dated, Bangalore, 16th March 1943.

From

The Secretary,
Representative Assembly & Legislative Council

To

T.Vasud
Member, Legislative Council and Landlord
Kamandalagondi Village, Jagalur Talu

Sir,

I have the honour to forward herewith a cop of the report of the Select Committee on the Mysore Prisons Bill and to request that it may kindly b returned to this office after approval, at an early date.

We approve the bill as amended

I have etc...

B.C. Ramachandra Manja

Secretary to the
Select Committee

REPORT OF THE SELECT COMMITTEE
ON THE MYSORE PRISONS BILL

We, the members of the Select Committee to which the Mysore Prisons Bill has been referred, have considered the several clauses of the Bill and have the honour to submit the following report thereon.-

PREAMBLE:- We recommend that the words "and to provide rules for the regulation of such prisons" may be omitted as unnecessary.

CLAUSE 3:- In sub-clause (1) we recommend that item (c) may be omitted as there is no definition of 'subsidiary jail' and as subsidiary jails are at present governed by the law relating to prisons.

We recommend that in sub-clause (5) after the words "The remission system means", the words "the system under may be added.

We recommend that sub-clause (8) may be deleted and references to medical subordinate throughout the Bill, except in clauses 17 and 37, may be deleted as a medical subordinate may be appointed by Government for such prisons as may be necessary and need not be a statutory appointment for every prison.

CLAUSE 14:- At the end of second para of this clause we recommend that the words "and for such action as he deems fit" may be added to make it clear that the report sent to the Inspector-General is not only for information but for action also.

CLAUSE 15:- At the end of clause 15, we recommend that a sentence may be added as follows:- "A copy of the particulars shall be sent to the Inspector-General as soon as may be."

CLAUSE 17:- For the words "medical subordinate", we recommend that the words "medical officer" may be substituted as we have recommended the deletion of reference to medical subordinate.

CLAUSE 32:- We are of the opinion that the health of a prisoner should be examined soon after admission, not only in the case of criminal prisoner but of civil prisoners also; and we therefore recommend that for the words "every criminal prisoner" occurring at the beginning of sub-clause (2) the words "every prisoner" may be substituted.

CLAUSE 33:- We are of the opinion that the cost of clothing supplied by the Superintendent to a civil prisoner should not be a liability upon the person in whose favour the decree is being executed; and we therefore recommend that the words "clothing and" in sub-clause (2) may be deleted.

CL 34:- In sub-clause (1) for the words "superintendent's permission" we recommend that the words "permissi of the Superintendent" may be substituted.

CLAUSE 35:- We are of the opinion that no criminal prisoner should be kept to labour for more than eight hours in any day and we accordingly recommend that for the words "nine hours" the words "eight hours" may be substituted.

CLAUSE 37:- In the two sub-clauses [illegible], we recommend that for the words "medical subordinate" the words "medical officer" may be substituted.

CLAUSE 39:- For clause 39, we recommend that the following clause may be substituted:-

> "39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners."

CLAUSE 40:- This clause applies to cases where a prisoner is sent to the hospital without being required to

be under special guard, the latter case being covered by clause 55. We think that this clause should make it clear that a special guard is necessary in such cases and we accordingly recommend that after the words "send him to such hospital" the words "without requiring him to be in or under the custody or control of any prison officer but" may be added.

We also recommend that for the words "lunatic asylum" the words "mental hospital" may be substituted as being more appropriate and the words "or asylum" be omitted.

CLAUSE 41:- Not only should prisoners under trial be permitted to see their legal advisers but such privilege should also be available to prisoners who may be convicted but who intend to prefer an appeal or petition against their conviction. We accordingly recommend that after the words "prisoners under trial" the words "or prisoners intending to prefer an appeal or petition against their conviction" may be added.

CLAUSE 47:- We recommend that sub-clause 5 may be deleted as the other forms of punishment appear to be sufficient.

We recommend that in sub-clause (6) the maximum period of three months may be reduced to two months.

We recommend that in sub-clause (10) the maximum period of 14 days may be reduced to 10 days. In the proviso to this sub-clause for the words "sentenced to cellular or solitary confinement" we recommend that the words "punished cellular confinement" may be substituted.

CLAUSE 50:- We think that formal warning should not be combined with any other punishment whatsoever and we accordingly recommend that in item (i) of sub-clause (1) of this clause, [illegible] under

clause 4 of this section" may be deleted.

CLAUSE 52:- In the case of serious prison offences the substance of the evidence of the witnesses for the defence should also be recorded. We accordingly recommend that in sub-clause (2) after the words "evidence of witnesses", the words "proving the offence or appearing for the defence" shall be added.

TEMPORARY RELEASE OF PRISONERS:- We are of opinion that provision should be made in this Bill for the temporary release of prisoners on parole. Provisions to effect this purpose have been introduced in the Prisoners Act, as applied to the Central Provinces and Berar, by the Central Provinces and Berar Act No.IV of 1939. We accordingly recommend that after chapter XI of the Bill an additional chapter on the lines of the Central Provinces and Berar Act may be added as chapter XII and the subsequent chapters and clauses may be renumbered suitably.

CHAPTER XII

Temporary Release of Prisoners.

CLAUSE 55 (1):- The Government or any authority to which the Government may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules made by the Government, release, temporarily for a period not exceeding ten days in a year excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not n less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for purposes of this Act and who has had more than three convictions.

(3) No person shall be released under sub-section

b-section (1) unless

a) he has, at the time of his release, served one half of his sentence including remission or a period of not less than two years of his sentence including remission, whichever is less;

b) his conduct in prison has been good;

c) twelve months have elapsed from the date of the expiry of the period of his previous release under this section

(4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence.

CLAUSE 56:-(1) On the expiry of the period for which prisoner was released under sub-section (1) of section he shall surrender himself to the officer in charge the prison from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence.

CLAUSE 57:- Any prisoner who does not surrender himself as required by sub-section (1) of section 46 shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years or with fine, or with both".

CLAUSE 58:- We recommend that for the words "all the same incidents", the words "the same incidents" may be substituted.

CLAUSE 61 (CLAUSE 58):- In sub-clause (11) we recommend that for the words as to the "food, bedding and clothing" the words "as to the food, clothing and bedding" may be substituted

The Bill has been published as required by the Rules in Mysore Gazette in English and Kannada dated 26-11-1942. As the Bill has not been materially altered, we recommend that it need not be republished.

REPORT OF THE SELECT COMMITTEE
ON THE MYSORE PRISONS BILL.

the members of the Select Committee to which the Mysore Prisons Bill has been referred, have considered the several clauses of the Bill and have the honour to submit the following report thereon.-

PREAMBLE:- We recommend that the words "and to provide rules for the regulation of such prisons" may be omitted as unnecessary.

CLAUSE 3:- In sub-clause (1) we recommend that item (c) may be omitted as there is no definition of 'subsidiary jail' and as subsidiary jails are at present governed by the law relating to prisons.

We recommend that in sub-clause (5) after the words "The remission system means", the words "the system under" may be added.

e recommend that sub-clause (8) may be deleted and reference to medical subordinate throughout the Bill, except in clauses 17 and 37, may be deleted as a medical subordinate may be appointed by Government for such prisons as may be necessary and need not be a statutory appointment for every prison.

CLAUSE 14:- At the end of second para of this clause, we recommend that the words "and for such action as he deems fit" may be added to make it clear that the report sent to the Inspector-General is not only for information but for ction also.

CLAUSE 15:- At the end of clause 15, we recommend hat a sentence may be added as follows:- "A copy of the pariculars shall be sent to the Inspector-General as soon as may be

CLAUSE 17:- For the words "medical subordinate", we recommend that the words "medical officer" may be substituted as we have recommended the deletion of reference to medical subordinate.

CLAUSE 24:- We are of the opinion that the health of a prisoner should be examined soon after admission, not only in the case of criminal prisoner but of civil prisoners also; and we therefore recommend that for the words "every criminal prisoner" occurring at the beginning of sub-clause (2) the words "every prisoner" may be substituted.

CLAUSE 33:- We are of the opinion that the cost of clothing supplied by the superintendent to a civil prisoner should not be a liability upon the person in whose favour the decree is being executed; and we therefore recommend that the words "clothing and" in sub-clause (2) may be deleted.

CLAUSE 34:- In sub-clause (1) for the words "Superintendent's permission" we recommend that the words "permission of the Superintendent" may be substituted.

CLAUSE 35:- We are of the opinion that no criminal prisoner should be kept to labour for more than eight hours in any day and we accordingly recommend that for the words "nine hours" the words "eight hours" may be substituted.

CLAUSE 37:- In the two sub-clauses of this clause we recommend that for the words "medical subordinate" the words "medical officer" may be substituted.

CLAUSE 39:- For clause 39, we recommend that the following clause may be substituted:-

"39. In every prison there shall be provided suitable place for the accommodation and treatment of sick prisoners."

CLAUSE 40:- This clause appears to cases where a prisoner is sent to the hospital without being required to

be under special guard, the latter case being covered by clause 55. We think that this clause should make it clear that a special guard is necessary in such cases and we accordingly recommend that after the words "send him to such hospital" the words "without requiring him to be in or under the custody or control of any prison officer but" may be added.

We also recommend that for the words "lunatic asylum" the words "mental hospital" may be substituted as being more appropriate and the words "or asylum" be deleted.

CLAUSE 41:- Not only should prisoners under trial be permitted to see their legal advisers but such privilege should also be available to prisoners who may be convicted but who intend to prefer an appeal or petition against their conviction. We accordingly recommend that after the words "prisoners under trial" the words "or prisoners intending to prefer an appeal orpetition against their conviction" may be added.

CLAUSE 47:- We recommend that sub-clause 5 may be deleted as the other forms of punishment appear to be sufficient.

We recommend that in sub-clause (8) the maximum period of three months may be reduced to two months.

We recommend that in sub-clause (10) the maximum period of 14 days may be reduced to 10 days. In the provi to this sub-clause for the words "sentenced to cellular solitary confinement" we recommend that the words "punis by cellular confinement" may be substituted.

CLAUSE 48:- We think that formal warning should not be combined with any other punishment whatsoever and we accordingly recommend that in item (1) of sub-clause (1) of this clause, the words "except loss of privilege under

clause 4 of this section may be deleted.

CLAUSE 52:- In the case of serious crimon offences, the substance of the evidence of the witnesses for the defence should also be recorded. We accordingly recommend that in sub-clause (2) after the words "evidence of witnesses", the words "~~providing~~ proving the offance or appearing for the defence" shall be added.

TEMPORARY RELEASE OF PRISONERS:- We are of opinion that provision should be made in this Bill for the temporary release of prisoners on parole. Provisions to effec this purpose have been introduced in the Prisoners Act, as applied to the Central Provinces and Berar, by the Centra Provinces and Berar Act No.IV of 1939. We accordingly recommend that after chapter X of the Bill an additional chapter on the lines of the Central Provinces and Berar Act may be added as XI and the subsequent chapters and clauses may be renumbered suitably.

CHAPTER XII.

Temporary Release of Prisoners.

CLAUSE 55(1).- The Government or any authority to which the Government may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules made by the Government, release, temporarily for a period not exceeding ten days in a year ~~an~~ excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who had been classified as a habitual criminal for purposes of this Act and who has had more than 3 convictions.

(3) No person shall be released under sub-section (1) unle

) he has, at the time of his release, served one half of his sentence including remission or a period of not less than two years of his sentence includin

b) his conduct in prison has been good

c) twelve months have elapsed from the date of the expiry of the period of his previous release under thi section.

4) The period of release of a prisoner under sub-sectic (1) shall not count towards the total period of his sentence.

CLAUSE 56:- (1) On the expiry of theperiod for which a prisoner was released under sub-section (1) of section 45, he shall surrender himself to the officer in charge of the prison from ~~kx~~ which he was released.

(2) If a prisoner does not surrender himselfas required by sub-section (1), he may be arrested by any police officer without a warrant and shallbe remanded to undergo the ~~x~~ unexpired portion of his sentence.

CLAUSE 57:- Any prisoner who does not surrender himself as required by sub-section (1) of section 46 shall be liable upon conviction to be punished with imprisonment of eithe- description for a term which may extend to two years, or with fine, or with both."

CLAUSE 58:- We recommend that for the words all the i incidents", the words "the same incidents" may be substitute

CLAUSE 61 (old 58):- In sub-clause (ii) we recommend for the words "as to the food, bedding and clothing." the wor "as th the food, clothing and bedding" may be substituted.

The Bill has been published as required by the Rules i Mysore Gazette in English and Kannada dated 26-11-1942. As the Bill has not been materially altered, we recommend that i nedd not be republished.

REPORT OF THE SELECT COMMITTEE
ON THE MYSORE PRISONS BILL.

We, the members of the Select Committee to which the Mysore Prisons Bill has been referred, have considered the several clauses of the Bill and have the honour to submit the following report thereon.-

PREAMBLE:- We recommend that the words "and to provide rules for the regulation of such prisons" may be omitted as unnecessary.

CLAUSE 3:- In sub-clause (1) we recommend that item (c) may be omitted as there is no definition of 'subsidiary jail' and as subsidiary jails are at present governed by the law relating to prisons.

We recommend that in sub-clause (b) after the words "The remission system means", the words "the system under" may be added.

We recommend that sub-clause (3) may be deleted and references to medical subordinate throughout the Bill, except in clauses 17 and 37, may be deleted as a medical subordinate may be appointed by Government for such prisons as may be necessary and need not be a statutory appointment for every prison.

CLAUSE 14:- At the end of second para of this clause we recommend that the words "and for such action as he deems fit" may be added to make it clear that the report sent to the Inspector-General is not only for information but for action also.

CLAUSE 15:- At the end of clause 15, we recommend that a sentence may be added as follows:- "A copy of the particulars shall be sent to the Inspector-General as soon as may b

CLAUSE 17:- For the words "medical subordinate", we recommend that the words "medical officer" may be substituted as we have recommended the deletion of reference to medical subordinate.

CLAUSE 24:- We are of the opinion that the health of a prisoner should be examined soon after admission, not only in the case of criminal prisoners but of civil prisoners also; and we therefore recommend that for the words "every criminal prisoner" occurring at the beginning of sub-clause (2) the words "every prisoner" may be substituted.

CLAUSE 33:- We are of the opinion that the cost of clothing supplied by the Superintendent to a civil prisoner should not be a liability upon the person in whose favour the decree is being executed; and we therefore recommend that the words "clothing and" in sub-clause (2) may be deleted.

CLAUSE 34:- In sub-clause (1) for the words "Superintendent's permission" we recommend that the words "permission of the Superintendent" may be substituted.

CLAUSE 35:- We are of the opinion that no criminal prisoner should be kept to labour for more than eight hours in any one day and we accordingly recommend that for the words "nine hours", the words "eight hours" may be substituted.

CLAUSE 37:- In the two sub-clauses of this clause, we recommend that for the words "medical subordinate", the words "medical officer" may be substituted.

CLAUSE 39:- For clause 39, we recommend that the following clause may be substituted:-

"39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners."

CLAUSE 40:- This clause applies to cases where a prisoner is sent to the hospital without being required to

be under special guard, the latter case being covered by clause 55. We think that this clause should make it clear that a special guard is necessary in such cases, and we accordingly recommend that after the words "send him to such hospital", the wo
the custody or control of any prison officer but" may be added.

We also recommend that for the words "lunatic asylu the words "mental hospital" may be substituted as being more appropriate and the words "or asylum" be deleted.

CLAUSE 41:- Not only should prisoners under trial be permitted to see their legal advisers but such privilege should also be available to prisoners who may be convicted but who intend to prefer an appeal or petition against their conviction. We accordingly recommend that after the words "prisoners under trial" the words "or prisoners intending to prefer an appeal or petition against their conviction" may be

CLAUSE 42:- We recommend that sub-clause 5 may be deleted as the other forms of punishment appear to be sufficient

We recommend that in sub-clause (8) the maximum period of three months may be reduced to two months.

We recommend that in sub-clause (10) the maximum period of 14 days may be reduced to 10 days. In the prov to this sub-clause for the words "sentenced to cellular solitary confinement" we recommend that the words "punis by cellular confinement" may be substituted.

CLAUSE 48:- We think that formal warning should no be combined with any other punishment whatsoever and we accordingly recommend that in item (1) of sub-clause (1) of this clause, the words "except loss of privilege under

clause 4 of this section may be deleted.

CLAUSE 52:- In the case of serious prison offences, the substance of the evidence of the witnesses for the defence should also be recorded. We accordingly recommend that in sub-clause (2) after the words "evidence of witnesses", the words "~~providing~~ proving the offence or appearing for the defence" shall be added.

TEMPORARY RELEASE OF PRISONERS:- We are of opinion that [illegible] temporary release [illegible] this purpose have been included in the Bombay Reformation applied to the Central Provinces and Berar, by the Central Provinces and Berar Act No.IV of 1939. We accordingly recommend that a new chapter XII in the Bombay Reformation chapter XII in which the Central Provinces and Berar Act may be added as XI and the subsequent chapters and clauses may be renumbered suitably.

(3) No person shall be released under sub-section (1) un
a) he has, at the time of his release, served one half of his sentence including remission period of not less than two years of his sentence including

CHAPTER XII.

Temporary Release of Prisoners.

CLAUSE 55:- The Government or any authority to which the Government may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules made by the Government, release temporarily for a period not exceeding ten days in a year (excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not less than three years

2) The provisions of sub-section (1) shall not apply to a pris[illegible] habitual criminal for purposes of this Act and who has had more than 2 convictions

(3) No person shall be released under sub-section (1) unl

a) he has, at the time of his release, served one half of his sentence including remission or a period of not less than two years of his sentence including remission, whichever is less;

b) his conduct in prison has been good;

c) twelve months have elapsed from the date of the expiry of the period of his previous release under thi section.

4) The period of release of a prisoner under sub-section shall not count towards the total period of his sentence.

CLAUSE 56:- (1) On the expiry of theperiod for which prisoner was released under sub-section (1) of section 46, shall surrender himself to the officer in charge of the from his which he was released.

2) If a prisoner does not surrender himselfas required sub-section (1), he may be arrested by any police officer without a warrant and shallbe remanded to undergo the unexpired portion of his sentence.

CLAUSE 57:- Any prisoner who does not surrender himself as required by sub-section (1) of section 46 shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

Chapter XIII

CLAUSE 58:- We recommend that for the words "all the same incidents", the words "the same incidents" may be substituted.

CLAUSE 61 (old 58);- In sub-clause (11) we recommend that for the words "as to the food, bedding and clothing," the words "as to the food, clothing andbedding" may be substituted.

The Bill has been published as required by the Rules in Mysore Gazette in English and Kannada dated 26-11-1942. As the Bill has not been materially altered, we recommend that it need not be republished.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Office of the Secretary,
Representative Assembly and
Legislative Council,

Dated, Bangalore, 16th March 1943

From

The Secretary,
Representative Assembly & Legislative Council.

To

C.Narayanaswamy Naidu, Esq., B.A., B.L.,
Secretary to Government,
Law Department, Bangalore.

Sir,

I have the honour to forward herewith a copy of the report of the Select Committee on the Mysore Prisons Bill and to request that it may kindly be returned to this office after approval, at an early date.

I have etc.,

B.Ramakrishnaiya

Secretary to the
Select Committee.

REPORT OF THE SELECT COMMITTEE
ON THE MYSORE PRISONS BILL

We, the members of the Select Committee to which the Mysore Prisons Bill has been referred, have considered the several clauses of the Bill and have the honour to submit the following report thereon.-

PREAMBLE:- We recommend that the words "and to provide rules for the regulation of such prisons" may be omitted as unnecessary.

CLAUSE 3:- In sub-clause (1) we recommend that item (c) may be omitted as there is no definition of 'subsidiary jail' and as subsidiary jails are at present governed by the law relating to prisons.

We recommend that in sub-clause (5) after the words "The remission system means" the words "the system under' may be added.

We recommend that sub-clause (8) may be deleted and references to medical subordinate throughout the Bill, except in c[illegible], may be deleted, as a medical subordinate may be appointed by Government for such prisoı as may be necessary and need not be a statutory appointmeı for every prison.

CLAUSE 14:- At the end of second para of this clauı we recommend that the words "and for such action as he deı fit" may be added to make i[illegible] that the report sent tı the Inspector-General is not only for information but for action also.

CLAUSE 15:- At the end of clause 15, we recommend that a sentence may be added as follows:- "A copy of the particulars shall be sent to the Inspector-General as soon as may be."

CLAUSE 17:- For the words "medical subordinate", we recommend that the words "medical officer" may be substituted as we have recommended the deletion of references to medical subordinate

CLAUSE 24:- We are of the opinion that the health o a prisoner should be examined soon after admission, not on in the case of criminal prisoners but of civil prisoners al and we therefore recommend that for the words "every crimi prisoner" occurring at the beginning of sub-clause (2) the words "every prisoner" may be substituted.

CLAUSE 33:- We are of the opinion that the cost of clothing supplied by the Superintendent to a civil prisone should not be a liability upon the person in whose favour the decree is being executed; and we therefore recommend hat the words "clothing and" in sub-clause (2) may be deeted.

CLAUSE 34:- In sub-clause (1) for the words "Superin-endent's permission" we recommend that the words "permissic the Superintendent" may be substituted.

CLAUSE 35:- We are of the opinion that no criminal risoner should be kept to labour for more than eight hours n any day and we accor[illegible] recommend that for the words nine hours". the words "eight hours" may be substituted.

CLAUSE 37:- In the two sub-clauses of this clause e recommend that for the words "medical subordinate" the ords "medical officer" may be substituted.

CLAUSE 39:- For clause 39, we recommend that the following clause may be substituted:-

> "39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners."

CLAUSE 40:- This c[illegible] applies to cases where a prisoner is sent to the hospital without being required to

be under special guard, the latter case being covered by clause 55. We think that this clause should make it clea that a special guard is necessary in such cases, and we accordingly recommend that after the words "send him to su hospital", the words "without requiring him [illegible] the custody or control of any prison officer but" may be added.

We also recommend that for the words "lunatic asylum" the words "mental hospital" may be substituted as being more appropriate and the words "or asylum" be deleted.

CLAUSE 41:- Not only should prisoners under trial be permitted to see their legal advisers but such privilege should also be available to prisoners who may be convicted but who intend to prefer an appeal or petition against their conviction. We accordingly recommend that after the words "prisoners under trial" the words "or prisoners intending to prefer an appeal or petition against their conviction" may be added.

CLAUSE 47:- We recommend that sub-clause 5 may be deleted as the other forms of punishment appear to be sufficient.

We recommend [illegible] in sub-clause (8) the maximum period of three months may be reduced to two months.

We recommend that in sub-clause (10) the maximum period of 14 days may be reduced to 10 days. In the provis to this sub-clause for the words "sentenced to cellular or solitary confinement" we recommend that the words "punishe by cellular confinement" may be substituted.

CLAUSE 48:- We think that formal warning should not be combined with any other punishment whatsoever and we accordingly recommend that in item (i) of sub-clause (1) of this clause, the words "except loss of privilege under

clause 4 of this section may be deleted.

CLAUSE 52:- In the case of serious prison offences, the substance of the evidence of the witnesses for the defence should also be recorded. We accordingly recommend that in sub-clause (2) after the words "evidence of witnesses", the words "proving the offence or appearing for the defence" shall be added.

TEMPORARY RELEASE OF PRISONERS:- We are of opinion that provision should be made in this Bill for the temporary release of prisoners on parole. Provisions to effec this purpose have been introduced in the Prisoners Act, as applied to the Central Provinces and Berar, by the Central Provinces and Berar Act No.IV of 1939. We accordingly recommend that after chapter XI of the Bill an additional chapter on the lines of the Central Provinces and Berar Act may be added as Chapter XII and the subsequent chapters and clauses may be renumbered suitably.

CHAPTER XII

Temporary Release of Prisoners.

CLAUSE 55 (1):- The Government or any authority to which the Government may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules made by the Government, release, temporarily for a period not exceeding ten days in a year excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for purposes of this Act and who has had more than three convictions.

(3) No person shall be released under sub-section

a) he has, at the time of his release, served one half of his sentence including remission or a period of not less than two years of his sentence including remission, whichever is less;

b) his conduct in prison has been good;

c) twelve months have elapsed from the date of the expiry of the period of his previous release under this section.

(4) The period of release of a prisoner under su section (1) shall not count towards the total period of his sentence.

CLAUSE 56:-(1) On the expiry of the period for whic a prisoner was released under sub-section (1) of sectio 46 he shall surrender himself to the officer in charge of the prison from which he was released.

2) If a prisoner does not surrende_ _____ as required by sub-section (1), he may be arrested by any police officer without a warrant and shall be remanded undergo the unexpired portion of his sentence.

CLAUSE 57:- Any prisoner who does not surrender himself as required by sub-section (1) of section 46 shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years or with fine, or with both".

Chapter XIII

CLAUSE 58:- We recommend that for the words "all the same incidents", the words "the same incidents" may be substituted.

CLAUSE 61 (Old 58):- In sub-clause (11) we recommend that for the words "as to the "food, bedding and clothing", the words "as to the food, clothing and bedding" may be substituted.

The Bill has been published as required by the Rules in Mysore Gazette in English and Kannada dated 26-11-1942. As the Bill has not been materially altered, we recommend that it need not be republished.

C. F. No. 461

3229 Lc

GOVERNMENT OF MYSORE

Telegram / phone

OFFICE OF

The Inspector-General of Police in Mysore,

Camp, Mysore.

No. C.c./168

Encls. 2. 4243

Date March 25, 1943.

OFFICE OF THE SECRETARY
29 MAR 1943
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

To

The Secretary,

The Representative Assembly & Legisla

Council in Mysore, Bangalore

Sir,

I have the honour to return herewith, a approval, the copies of the report of the S Committee on the Mysore Children Bill and Mysore Borstal Schools Bill, enclosed to yo letters Nos. 4934-39 & 49-30-47/L.C. dated 22nd instant.

I have the honour to be,
Sir,
Your most obedient servant,

M Deheadw

Inspector-General of Polic
in Mysore.

REPORT OF THE SELECT COMMITTEE

ON THE MYSORE CHILDREN BILL.

We, the Members of the Select Committee to which the Mysore Children Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following report:-

PREAMBLE:- We recommend that for the words "His Highness the Maharaja is pleased to enact as follows", ~~Highness the Maharaja~~ the words "It is hereby enacted as follows":-"may be substituted as more appropriate.

CLAUSE 1. We recommend that in sub-clause (3) the following may be added at the beginning:- "This Section shall come into force at once." This will enable Government to exercise the power given under this clause whenever they think it expedient to do so.

CLAUSE 2. In sub-clause (I) we recommend that the word "surgery" may be replaced by the words "nursing home" in the two places where it occurs.

CLAUSE 13. We recommend that for the words "that ~~person~~ person" the words "that child" may be substituted in order to bring out the meaning more clearly

CLAUSE 36. In clause 36 and in the subsequent clauses, we recommend that for the words "youthful offenc the words "juvenile offender" may be substituted as the expression defined and used in this Bill.

The Bill has been published as required by the rules, in the Mysore Gazette in English as well as in Kannada on 26th November 1942.

As the Bill has not been materially altered, we recommend that it need not be republished.

APPROVED

M Devadas

INSPECTOR-GENERAL OF POLI

IN MYSORE.

Report of the Select Committee on the Mysore Borstal Schools Bill.

We, the Members of the Select Committee to which the Mysore Borstal Schools Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following Report:--

Clause 3.--In sub-clause (a), we recommend that for the words "young offenders", the word "offenders" may be substitute as the expression "young offenders" is not defined in this Bill and as the age-limits of offenders to whom this Bill will apply been specified in the relevant clauses of this Bill.

We recommend that a definition of 'Prohibited article' may be included as sub-clause (d) as follows:--

> " 'Prohibited article' means an article, the introduction or removal of which into, or out of, any Borstal Institution is prohibited by any rule under this Act."

Clause 7.--Mr. Belur Srinivasa Iyengar wanted that this clause should be deleted. But the other Members of the Commit are of the opinion that such an enabling provision should be available to the Government under this Act.

Clause 13.--We are of the opinion that the Inspector-Gener should consult the Visiting Committee before reporting to the Government that an offender is incorrigible or exercises a bad influence on other inmates. We accordingly recommend that after the words "Inspector-General" the words "in consultation with the Visiting Committee" may be added.

Clause 14.-- In sub-clause (2), for the word "removal" we recommend that the word "transfer" may be substituted.

Clause 23.--We are of the opinion that corporal punishment should not be one of the specified punishments for offences unde this Act and we accordingly recommend that item (v) of sub-claus (1) may be deleted. We, however, think that in lieu of corpora punishment, provision should be available for restriction of die and we accordingly recommend that an additional item may be adde as follows:--

> "(v) penal diet, i.e., restriction of diet in such manner and subject to such conditions as may be prescribed."

Clause 26.--In sub-clause (1) and in the Explanation to sub clause (3), we recommend that for the words "he was sentenced", the words "an order of detention was passed against him" may be substituted as in keeping with the spirit of this Bill.

Clause 27.--Three Members of the Select Committee were of the opinion that the rules to be made under this Act should be subject to the condition of previous publication. The majority are, however, of the opinion that no such condition is necessary.

The Bill has been published as required by the rules, in the Mysore Gazette in English as well as in Kannada on 26th November 1942.

As the Bill has not been materially altered, we recommend that it need not be republished.

APPROVED.

M Jahad

INSPECTOR-GENERAL OF POLI
IN MYSORE

GOVERNMENT OF MYSORE

Telegram / Telephone

No. 843-6
Encls one

OFFICE OF
the Inspector-General of Prisons
in Mysore,
Bangalore,

Date 24th March 1943.
29

To The Secy.
M.D.V.

The Secretary,
Representative Assembly and Legislative Council
Bangalore.

Sir,

I have the honour to retransmit herewith duly approved, the copy of the report of the Select Committee on the Mysore Children Bill received with your letter No. 4934-39/L.C. dated the [illegible] March 1943.

I have the honour to be,
Sir,
Your most obedient servant.

Inspector-General of Prisons.

REPORT OF THE SELECT COMMITTEE

ON THE MYSORE CHILDREN BILL.

We, the Members of the Select Committee to which the Mysore Children Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following report:-

PREAMBLE:- We recommend that for the words "His Highness the Maharaja is pleased to enact as follows", ~~Highness the Maharaja~~ the words "It is hereby enacted as follows":-"may be substituted as more appropriate.

CLAUSE 1. We recommend that in sub-clause (3) the following may be added at the beginning:- "This Section shall come into force at once." This will enable Government to exercise the power given under this clause whenever they think it expedient to do so.

CLAUSE 2. In sub-clause (f) we recommend that the word "surgery" may be replaced by the words "nursing home" in the two places where it occurs.

CLAUSE 13. We recommend that for the words "that ~~person~~ person" the words "that child" may be substituted in order to bring out the meaning more clearly

CLAUSE 36. In clause 36 and in the subsequent clauses, we recommend that for the words "youthful offender" the words "juvenile offender" may be substituted as the expression defined and used in this Bill.

The Bill has been published as required by the rules, in the Mysore Gazette in English as well as in Kannada on 26th November 1942.

As the Bill has not been materially altered, we recommend that it need not be republished.

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

No. 4934-39

Office of the Secretary,
Legislative Council,
BANGALORE, [illegible]-3-1943.

From

The Secretary,
Mysore Legislative Council,

To

C.Narayanaswami Naidu, Esq., B.A.,
Secretary to Government,
Law Department, Bangalore

Sir,

I have the honour to forward herewith a copy of the Report of the Select Committee on the Mysore Children Bill and to request that it may kindly be returned to this office, after approval, at an early date.

I have etc.,

B.Ramakrishna

Secretary
to the Select Committee

REPORT OF THE SELECT COMMITTEE

ON THE MYSORE CHILDREN BILL.

ıne members of the Select Committee, to whic
:e Children Bill was referred, have considere
:al clauses of the Bill and have the honour t
ıbmit the following report.-

PREAMBLE. We recommend that for the words "Hi Highness the Maharaja is pleased to ıact as follows:-", the words "It is hereby enacted s follows:-" may be substituted as more appropriate.

CLAUSE 1; We recommend that in sub-clause (3) the following may be added at the ɜginning:- "This section shall come into force at ıce." This will enable Government to exercise the ɔwer given under this clause whenever they think it xpedient to do so.

CLAUSE 2; In sub-clause (f) we recommend that the word "surgery" may be replaced ;he words "nursing home" in the two places where it ɔccurs.

CLAUSE 13: We recommend that for the words "th person" the words "that child" may ıubstituted in order to bring out the meaning more ;learly.

CLAUSE 36: In clause 35 and in the subsequent ;lauses, we recommend that for the words "youthful c er", the words "juvenile offender" may be substitute s the expression defined and used in this Bill.

The Bill has been published as required by the ules, in the Mysore Gazette in English ad well as in annada on 26th November 1942.

As the Bill has not been materially altered, we ecommend that it need not be republished.

Dr. Omar Sheriff Road
Basavangudi P. O.
Bangalore City.

29th March 1943

To,
The Secretary,
The Select Committee
re the Mysore Children Bi
Mysore Borstal Schools Bi
Legislative Council, Bang

OFFICE OF THE SEC
REPRESENTATIVE ASSEM
AND
LEGISLATIVE COUN

Dear Sir,

I acknowledge with thank receipt of your letters dated 22-3-4 relating to the above bills along with the enclosures which I return herewith with my approval.

I remain,
Yours Sincerely,

Member
of the said Select
Committees.

REPORT OF THE SELECT COMMITTEE

ON THE MYSORE CHILDREN BILL.

We, the members of the Select Committee, to which Mysore Children Bill was referred, have considered several clauses of the Bill and have the honour to submit the following report.-

PREAMBLE. We recommend that for the words "His Highness the Maharaja is pleased to enact as follows:-", the words "It is hereby enacted as follows:-" may be substituted as more appropriate.

CLAUSE 1 We recommend that in sub-clause (3) the following may be added at the beginning:- "This section shall come into force at once." This will enable Government to exercise the power given under this clause whenever they think it expedient to do so.

CLAUSE 2. In sub-clause (1), we recommend that the word "surgery" may be replaced by the words "nursing home" in the two places where it occurs.

CLAUSE 13: We recommend that for the words "that person" the words "that child" may be substituted in order to bring out the meaning more clearly.

CLAUSE 36: In clause 36 and in the subsequent clauses, we recommend that for the words "youthful offender", the words "juvenile offender" may be substituted as the expression defined and used in this Bill.

The Bill has been published as required by the rules, in the Mysore Gazette in English ad well as in Kannada on 26th November 1942.

As the Bill has not been materially altered, we recommend that it need not be republished.

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

No. 4934-39 L-c

Office of the Secretary,
Legislative Council,
BANGALORE 3-1943.

rom

The Secretary,
Mysore Legislative Council

M.Madiah, Esq.
Member Legislative Council
Ile Nanjangud Taluk.

OFFICE OF THE SECRETARY
NOV. 1943
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

Sir,

I have the honour to forward herewith opy of the Report of the Select Committee he Mysore Children Bill and to request that it ay kindly be returned to this office after pproval, at an early date.

REPORT OF THE SELECT COMMITTEE

ON THE MYSORE CHILDREN BILL.

We, the Members of the Select Committee to which the sore Children Bill was referred, have considered the veral clauses of the Bill and have the honour to sub- t the following report:-

PREAMBLE:- We recommend that for the words "His Highness the Maharaja is pleased to act as follows", ~~Highness the Maharaja~~ the words "It hereby enacted as follows":-"may be substituted as re appropriate.

CLAUSE 1. We recommend that in sub-clause (3) the following may be added at the ginning:- "This Section shall come into force at ce." This will enable Government to exercise the wer given under this clause whenever they think it pedient to do so.

CLAUSE 2. In sub-clause (1) we recommend that the word "surgery" may be replaced by the words "nursing" in the two places where i occurs.

CLAUSE 13. We recommend that for the words "th person" the words "that child" may substituted in order to bring out the meaning more cle

CLAUSE 36. In clause 36 and in the subsequent clauses, we recommend that for the words "youthful off the words "juvenile offender" may be substituted as th expression defined and used in this Bill.

The Bill has been published as required by the rules, in the Mysore Gazette in English as well as in Kannada on 26th November 1942.

As the Bill has not been materially altered, we re- ommend that it need not be republished.

A. R. Badri Narayan, B.A., B.L.,
Member, Legislative Council.

3322

Anandapura
(Shimoga Dis

11. 4. 41

OFFICE OF THE SECRETARY
Mr. D.V.
1943
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

Secretary
Leg Council

Sir

Enclosed please find copy of report of the Select Committee on Mysore children bill, and copy of the Mysore Backward schools bill as approved by me. In receipt of which please acknowledge

Thankfully yours

Faithfully yours
A. R. Badri Narayan

REPORT OF THE SELECT COMMITTEE

ON THE MYSORE CHILDREN BILL.

We, the Members of the Select Committee to which the Mysore Children Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following report:-

PREAMBLE:- We recommend that for the words "His Highness the Maharaja is pleased to enact as follows", ~~Highness the Maharaja~~ the words "It is hereby enacted as follows":-"may be substituted as more appropriate.

CLAUSE 1. We recommend that in sub-clause (3) the following may be added at the beginning:- "This Section shall come into force at once." This will enable Government to exercise the power given under this clause whenever they think it expedient to do so.

CLAUSE 2. In sub-clause (f) we recommend that the word "surgery" may be replaced by the words "nursing home" in the two places where it occurs.

CLAUSE 13. We recommend that for the words "that ~~person~~ person" the words "that child" may be substituted in order to bring out the meaning more clearly.

CLAUSE 36. In clause 36 and in the subsequent clauses, we recommend that for the words "youthful offender" the words "juvenile offender" may be substituted as the expression defined and used in this Bill.

The Bill has been published as required by the rules, in the Mysore Gazette in English as well as in Kannada on 26th November 1942.

As the Bill has not been materially altered, we recommend that it need not be republished.

Report of the Select Committee on the Mysore Borstal Schools Bill.

We, the Members of the Select Committee to which the Mysore Borstal Schools Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following Report.

Clause 3.--In sub-clause (a), we recommend that for the words "young offenders", the word "offenders" may be substituted as the expression "young offenders" is not defined in this Bill and as the age-limits of offenders to whom this Bill will apply have been specified in the relevant clauses of this Bill.

We recommend that ~~the~~ a definition of 'Prohibited article' may be included as sub-clause (d) as follows:--

''Prohibited article' means an article, the introduction or removal of which into or out of, any Borstal Institution is prohibited by any rule under this Act."

Clause 7.--Mr. Belur Srinivasa Iyengar wanted that this clause should be deleted. But the other Members of the Committee are of the opinion that such an enabling provision should be available to the Government under this Act.

Clause 13.--We are of the opinion that the Inspector-General should consult the Visiting Committee before reporting to the Government that an offender is incorrigible or exercises a bad influence on other inmates. We accordingly recommend that after the words "Inspector-General"

the words "in consultation with the Visiting Committee" may be added.

Clause 14.--In sub-clause (2), for the word "removal" we recommend that the word "transfer" may be substituted.

Clause 23.--We are of the opinion that corporal punishment should not be one of the specified punishments for offences under this ~~Bill~~ Act and we accordingly recommend that item (v) of sub-clause (1) may be deleted. We, however, think that in lieu of corporal punishment, provision should be available for restriction ~~on~~ of diet and we accordingly recommend that an additional item may be added as follows:--

> "(v) penal diet, i.e., restriction ~~on~~ of diet in such manner and subject to such conditions as may be prescribed."

Clause 26.--In sub-clause (1) and in the Explanation to sub-clause (3), we recommend that for the words "he was sentenced", the words "an order of detention was passed against him" may be substituted as in keeping with the spirit of this Bill.

Clause 27.--Three Members of the Select Committee were of the opinion that the rules to be made under this Act should be subject to the condition of previous publication. The majority are, however, of the opinion that no such condition is necessary.

The Bill has been published as required by the rules, in the Mysore Gazette in English as well as in Kannada on 26th November 1942.

As the Bill has not been materially altered, we recommend that it need not be re-published.

BNR
9.3.43

15.4.43

GOVERNMENT OF MYSORE

Tele gram / phone

No. 843 - 4
Encls

OFFICE OF THE SECRETARY
MW 2V
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

OFFICE OF
the Inspector-General of Prisons
in Mysore.
Bangalore.

Date 24th March 1943.
29

To

The Secretary
Representative Assembly & Legislative Council
Bangalore.

Sir,

I have the honour to retransmit herewith duly approved the copy of the report of the Select Committee on the Mysore Borstal Schools Bill received with your letter No. 4940-47/L.C. dated the 22nd March 1943.

I have the honour to be,
Sir,
Your most obedient servant,

Inspector-General of Prisons.

Report of the Select Committee on the Mysore Borstal Schools Bill.

We, the Members of the Select Committee to which the Mysore Borstal Schools Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following Report:--

Clause 3.--In sub-clause (a), we recommend that for the words "young offenders", the word "offenders" may be substituted as the expression "young offenders" is not defined in this Bill and as the age-limits of offenders to whom this Bill will apply have been specified in the relevant clauses of this Bill.

We recommend that a definition of 'Prohibited article' may be included as sub-clause (d) as follows:--

> Prohibited article' means an article, the introduction or removal of which into, or out of, any Borstal Institution is prohibited by any rule under this Act."

Clause 7.--Mr. Belur Srinivasa Iyengar wanted that this clause should be deleted. But the other Members of the Committee are of the opinion that such an enabling provision should be available to the Government under this Act.

Clause 13.--We are of the opinion that the Inspector-General should consult the Visiting Committee before reporting to the Government that an offender is incorrigible or exercises a bad influence on other inmates. We accordingly recommend that after the words "Inspector-General" the words "in consultation with the Visiting Committee" may be added.

Clause 14.-- In sub-clause (2), for the word "removal" we recommend that the word "Transfer" may be substituted.

Clause 23.--We are of the opinion that corporal punishment should not be one of the specified punishments for offences under this Act and we accordingly recommend that item (v) of sub-clause (1) may be deleted. We, however, think that in lieu of corporal punishment, provision should be available for restriction of diet and we accordingly recommend that an additional item may be added as follows:--

> "(v) penal diet, i.e., restriction of diet in such manner and subject to such conditions as may be prescribed."

Clause 26.--In sub-clause (1) and in the Explanation to sub-clause (3), we recommend that for the words "he was sentenced", the words "an order of detention was passed against him" may be substituted as in keeping with the spirit of this Bill.

Clause 27.--Three Members of the Select Committee were of the opinion that the rules to be made under this Act should be subject to the condition of previous publication. The majority are, however, of the opinion that no such condition is necessary.

The Bill has been published as required by the rules, in the Mysore Gazette in English as well as in Kannada on 26th November 1942.

As the Bill has not been materially altered, we recommend that it need not be republished.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Office of the Secretary,
Representative Assembly & Legislative Counc

No 4960-49 Dated, Bangalore, 22nd March 1948.

From

The Secretary,
Representative Assembly and Legislative Council

To

M. Madiah, Esq.,
Member, Legislative Council,
Nerle, Nanjangud Taluk.

Sir,

I have the honour to forward herewith a copy of the Report of the Select Committee on the Mysore Boretal Schools Bill, and to request that it may kindly be returned to this office, after approval, at an early date.

I have, etc.,

B K Ramachandra Rao
Secretary
to the Select Committee.

OFFICE OF THE SECRETARY
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

Cp

Report of the Select Committee on the Mysore Borstal Schools Bill.

We, the Members of the Select Committee to which the Mysore Borstal Schools Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following Report:—

Clause 3.—In sub-clause (c), we recommend that for the words "young offenders", the word "offenders" may be substituted as the expression "young offenders" is not defined in this Bill and as the age-limits of offenders to whom this Bill will apply have been specified in the relevant clauses of this Bill.

We recommend that a definition of 'Prohibited article' may be included as sub-clause (d) as follows:—

> 'Prohibited article' means an article, the introduction or removal of which into, or out of, any Borstal Institution is prohibited by any rule under this Act."

Clause 7.—Mr. Belur Srinivasa Iyengar wanted that this clause should be deleted. But the other Members of the Committee are of the opinion that such an enabling provision should be available to the Government under this Act.

Clause 13.—We are of the opinion that the Inspector-General should consult the Visiting Committee before reporting to the Government that an offender is incorrigible or exercises a bad influence on other inmates. We accordingly recommend that after the words "Inspector-General" the words "in consultation with the Visiting Committee" may be added.

Clause 14.— In sub-clause (b), for the word "removal" we recommend that the word "transfer" may be substituted.

Clause 25.—We are of the opinion that corporal punishment should not be one of the specified punishments for offences under this Act and we accordingly recommend that item (v) of sub-clause (1) may be deleted. We, however, think that in lieu of corporal punishment, provision should be available for restriction of diet and we accordingly recommend that an additional item may be added as follows:—

> "(v) penal diet, i.e., restriction of diet in such manner and subject to such conditions as may be prescribed."

Clause 26.—In sub-clause (1) and in the Explanation to sub-clause (2), we recommend that for the words "he was sentenced", the words "an order of detention was passed against him" may be substituted as in keeping with the spirit of this Bill.

Clause 27.—Three Members of the Select Committee were of the opinion that the rules to be made under this Act should be subject to the condition of previous publication. The majority are, however, of the opinion that such condition is unnecessary.

The Bill has been published as required by the rules, in the Mysore Gazette in English as well as in Kannada on 28th November 1942.

As the Bill has not been materially altered, we recommend that it need not be republished.

M. Madiah
Member.
Legislative Council
The Select Committee

Report of the Select Committee on the Mysore Borstal Schools Bill.

We, the Members of the Select Committee to which the Mysore Borstal Schools Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following Report:-

Clause 3.--In sub-clause (a), we recommend that for the words "young offenders", the word "offenders" may be substituted as the expression "young offenders" is not defined in this Bill and as the age-limits of offenders to whom this Bill will apply have been specified in the relevant clauses of this Bill.

We recommend that a definition of 'Prohibited article' may be included as sub-clause (d) as follows:--

> " 'Prohibited article' means an article, the introduction or removal of which into, or out of, any Borstal Institution is prohibited by any rule under this Act."

Clause 7.--Mr. Belur Srinivasa Iyengar wanted that this clause should be deleted. But the other Members of the Committee are of the opinion that such an enabling provision should be available to the Government under this Act.

Clause 13.--We are of the opinion that the Inspector-General should consult the Visiting Committee before reporting to the Government that an offender is incorrigible or exercises a bad influence on other inmates. We accordingly recommend that after the words "Inspector-General" the words "in consultation with the Visiting Committee" may be added.

Clause 14.-- In sub-clause (2), for the word "removal" we recommend that the word "Transfer" may be substituted.

Clause 23.--We are of the opinion that corporal punishment should not be one of the specified punishments for offences under this Act and we accordingly recommend that item (v) of sub-clause (1) may be deleted. We, however, think that in lieu of corporal punishment, provision should be available for restriction of diet, and we accordingly recommend that an additional item may be added as follows:--

> "(v) penal diet, i.e., restriction of diet in such manner and subject to such conditions as may be prescribed."

Clause 26.--In sub-clause (1) and in the Explanation to sub-clause (3), we recommend that for the words "he was sentenced", the words "an order of detention was passed against him" may be substituted as in keeping with the spirit of this Bill.

Clause 27.--Three Members of the Select Committee were of the opinion that the rules to be made under this Act should be subject to the condition of previous publication. The majority are, however, of the opinion that no such condition is necessary.

The Bill has been published as required by the rules, in the Mysore Gazette in English as well as in Kannada on 26th November 1942.

As the Bill has not been materially altered, we recommend that it need not be republished.

Report of the Select Committee on the Mysore Borstal Schools Bill.

We, the Members of the Select Committee to which the Mysore Borstal Schools Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following Report:--

Clause 3.--In sub-clause (a), we recommend that for the words "young offenders", the word "offenders" may be substituted as the expression "young offenders" is not defined in this Bill and as the age-limits of offenders to whom this Bill will apply have been specified in the relevant clauses of this Bill.

We recommend that a definition of 'Prohibited articles' may be included as sub-clause (d) as follows:--

> " 'Prohibited articles' means an article, the introduction or removal of which into, or out of, any Borstal Institution is prohibited by any rule under this Act."

Clause 7.--Mr. Bolur Srinivasa Iyengar wanted that this clause should be deleted. But the other Members of the Committee are of the opinion that such an enabling provision should be available to the Government under this Act.

Clause 13.-- We are of the opinion that the Inspector-General should consult the Visiting Committee before reporting to the Government that an offender is incorrigible or exercises a bad influence on other inmates. We accordingly recommend that after the words "Inspector-General" the words "in consultation with the Visiting Committee" may be added.

Clause 14.-- In sub-clause (2), for the word "removal" we recommend that the word "transfer" may be substituted.

Clause 23.--We are of the opinion that corporal punishment should not be one of the specified punishments for offences under this Act and we accordingly recommend that item (v) of sub-clause (1) may be deleted. We, however, think that in lieu of corporal punishment, provision should be available for restriction of diet and we accordingly recommend that an additional item may be added as follows:--

> "(v) penal diet, i.e., restriction of diet in such manner and subject to such conditions as may be prescribed."

Clause 26.--In sub-clause (1) and in the Explanation to sub-clause (.), we recommend that for the words "he was sentenced", the words "an order of detention was passed against him" may be substituted as in keeping with the spirit of this Bill.

Clause 27.--Three Members of the Select Committee were of the opinion that the rules to be made under this Act should be subject to the condition of previous publication. The majority are, however, of the opinion that no such condition is necessary.

The Bill has been published as required by the rules, in the Mysore Gazette in English as well as in Kannada on 26th November 1942.

As the Bill has not been materially altered, we recommend that it need not be republished.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Office of the Secreta
Representative Assembly & Legisla
Council,

No. 4940-472 Dated Bangalore,
Encl

23-3-43

From

The Secretary,
Representative Assembly and Legislative Counci

To

C. Narayanaswami Naidu, Esq., B.A., B.L.,
Secretary to Government, Law Department.

Sir

I have the honour to forward herewith a copy of the Report of the Select Committee on the Mysore Borstal Schools Bill, and to request that it may kindly be returned to this office, after approval, at an early date.

10-4-43

Report of the Select Committee on the Mysore Borstal Schools Bill.

We, the Members of the Select Committee to which the Mysore Borstal Schools Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following Report:--

Clause 3.--In sub-clause (a), we recommend that for the words "young offenders", the word "offenders" may be substituted as the expression "young offenders" is not defined in this Bill and as the age-limits of offenders to whom this Bill will apply have been specified in the relevant clauses of this Bill.

We recommend that a definition of 'Prohi[illegible] may be included as sub-clause (d) as follows:--

> " 'Prohibited article' means an article, the introduction or removal of which into, or out of, any Borstal Institution is prohibited by any rule under this Act."

Clause 7.--Mr. Belur Srinivasa Iyengar wanted that this clause should be deleted. But the other Members of the Committee are of the opinion that such an enabling provision should be available to the Government under this Act.

Clause 13.--We are of the opinion that the Inspector-General should consult the Visiting Committee before reporting to the Government that an offender is incorrigible or exercises a bad influence on other inmates. We accordingly recommend that after the words "Inspector-General" the words "in consultation with the Visiting Committee" may be added.

Clause 14.-- In sub-clause (2), for the word "removal" we recommend that the word "transfer" may be substituted.

Clause 23.--We are of the opinion that corporal punishment should not be one of the specified punishments for offences under this Act and we accordingly recommend that item (v) of sub-clause (1) may be deleted. We, however, think that in lieu of corporal punishment, provision should be available for restriction of diet and we accordingly recommend that an additional item may be added as follows:--

> "(v) penal diet, i.e., restriction of diet in such manner and subject to such conditions as may be prescribed."

Clause 26.--In sub-clause (1) and in the explanation to sub-clause (2), we recommend that for the words "he was sentenced", the words "an order of detention was passed against him" may be substituted as in keeping with the spirit of this Bill.

Clause 27.--Three Members of the Select Committee were of the opinion that the rules to be made under this Act should be subject to the condition of previous publication. The majority are, however, of the opinion that no such condition is necessary.

The Bill has been published as required by the rules, in the Mysore Gazette in English as well as in Kannada on 26th November 1948.

As the Bill has not been materially altered, we recommend that it need not be republished.

738

Approved.
Chikkaveerappa
24/2/49

Report of the Select Committee on the Mysore Borstal Schools Bill.

We, the Members of the Select Committee to which the Mysore Borstal Schools Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following Report:--

Clause 3.--In sub-clause (a), we recommend that for the words "young offenders", the word "offenders" may be substituted as the expression "young offenders" is not defined in this Bill and as the age-limits of offenders to whom this Bill will apply have been specified in the relevant clauses of this Bill.

We recommend that a definition of 'Prohibited article' may be included as sub-clause (d) as follows:--

> " 'Prohibited article' means an article, the introduction or removal of which into, or out of, any Borstal Institution is prohibited by any rule under this Act."

Clause 7.--Mr. Belur Srinivasa Iyengar wanted that this clause should be deleted. But the other Members of the Committee are of the opinion that such an enabling provision should be available to the Government under this Act.

Clause 13.--We are of the opinion that the Inspector-General should consult the Visiting Committee before reporting to the Government that an offender is incorrigible or exercises a bad influence on other inmates. We accordingly recommend that after the words "Inspector-General" the words "in consultation with the Visiting Committee" may be added.

Clause 14.-- In sub-clause (2), for the word "removal" we recommend that the word "Transfer" may be substituted.

Clause 23.--We are of the opinion that corporal punishment should not be one of the specified punishments for offences under this Act and we accordingly recommend that item (v) of sub-clause (1) may be deleted. We, however, think that in lieu of corporal punishment, provision should be available for restriction of diet and we accordingly recommend that an additional item may be added as follows:--

> "(v) penal diet, i.e., restriction of diet in such manner and subject to such conditions as may be prescribed."

Clause 26.--In sub-clause (1) and in the Explanation to sub-clause (3), we recommend that for the words "he was sentenced", the words "an order of detention was passed against him" may be substituted as in keeping with the spirit of this Bill.

Clause 27.--Three Members of the Select Committee were of the opinion that the rules to be made under this Act should be subject to the condition of previous publication. The majority are, however, of the opinion that no such condition is necessary.

The Bill has been published as required by the rules, in the Mysore Gazette in English as well as in Kannada on 26th November 1942.

As the Bill has not been materially altered, we recommend that it need not be republished.

Report of the Select Committee on the Mysore Borstal Schools Bill.

We, the Members of the Select Committee to which the Mysore Borstal Schools Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following Report:--

Clause 3.--In sub-clause (a), we recommend that for the words "young offenders", the word "offenders" may be substituted as the expression "young offenders" is not defined in this Bill and as the age-limits of offenders to whom this Bill will apply have been specified in the relevant clauses of this Bill.

We recommend that a definition of 'Prohibited article' may be included as sub-clause (d) as follows:--

> 'Prohibited article' means an article, the introduction or removal of which into, or out of, any Borstal Institution is prohibited by any rule under this Act."

Clause 7.--Mr. Belur Srinivasa Iyengar wanted that this clause should be deleted. But the other Members of the Committee are of the opinion that such an enabling provision should be available to the Government under this Act.

Clause 13.--We are of the opinion that the Inspector-General should consult the Visiting Committee before reporting to the Government that an offender is incorrigible or exercises a bad influence on other inmates. We accordingly recommend that after the words "Inspector-General" the words "in consultation with the Visiting Committee" may be added.

Clause 14.-- In sub-clause (2), for the word "removal" we recommend that the word "transfer" may be substituted.

Clause 23.--We are of the opinion that corporal punishment should not be one of the specified punishments for offences under this Act and we accordingly recommend that item (v) of sub-clause (1) may be deleted. We, however, think that in lieu of corporal punishment, provision should be available for restriction of diet and we accordingly recommend that an additional item may be added as follows:--

> "(v) penal diet, i.e., restriction of diet in such manner and subject to such conditions as may be prescribed."

Clause 28.--In sub-clause (1) and in the Explanation to sub-clause (2), we recommend that for the words "he was sentenced", the words "an order of detention was passed against him" may be substituted as in keeping with the spirit of this Bill.

Clause 27.--Three Members of the Select Committee were of the opinion that the rules to be made under this Act should be subject to the condition of previous publication. The majority are, however, of the opinion that no such condition is necessary.

The Bill has been published as required by the rules, in the Mysore Gazette in English as well as in Kannada on 20th November 1942.

As the Bill has not been materially altered, we recommend that it need not be republished.

Approved & returned with thanks

M.L.C.

Members Select Committee

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Office of the Secretary,

Representative Assembly and Legislative Council.

Bangalore Dated, 19th April 1948.

No.

FROM

The Secretary,

Representative Assembly and Legislative Council.

To

C. Narayanaswami Naidu, Esq., B.A., B.L.,
Member of the Select Committee to the
Legislative Council, Bangalore.

SIR,

I have the honour to forward herewith a copy of the report of the Select Committee appointed to consider the Mysore Prohibition of Offenders Bill, and to request that the same may be returned to this office with your approval thereof.

Report of the Select Committee
On
The Mysore Probation of Offenders Bill.

We, the undersigned members of the Select Committee, to which the Mysore Probation of Offenders Bill was referred, have scrutinised the Bill and have the honour to submit this, our report, with the Bill as amended by us annexed thereto.

1. Clause 1(3) may be altered as follows, with a view to make the provision more clear:--

> "This Section shall come into force at once; and the Government may, by notification in the Official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in any local area on such date as may be specified in such notification."

2. Clause 2(f).--To make the definition more clear, we recommend the addition of the words 'and defined in the Code' between the words 'Act and 'shall'.

3. Clause 4.- We feel that the provision in this clause is less liberal than Section 562 (1 A) of the Code in respect of some offences and we accordingly recommend the addition of the following between the words 'convicted' and 'of' in line 3 of the clause:--

> "of theft, theft in a building, dishonest misappropriation, or cheating as defined in the Indian Penal Code, as in force in Mysore or"

4. Clause 7(2).--We feel that when once the trial Court has passed an order under Section 4 or 5. it should not be open to any appellate Court, other than the High Court, to set aside the order and in lieu thereof pass sentence on the offender according to law. We accordingly recommend that the following be substituted for sub-clause (2):--

> "When an order has been made under Section 4 or 5 in respect of any offender, the High Court, on appeal when there is a right of appeal to such Court, or when exercising its power of revision set aside such an order and in lieu thereof pass sentence on such offender according to law;
>
> Provided that the High Court shall not inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted."

5. We find that the Madras Probation of Offenders Act has recently been amended by removal of disqualification attaching to conviction for offences. We are of opinion that similar concession should be extended here also to persons who have satisfactorily completed their probation. This concession would not be available to a person who has failed to observe the conditions of releas and is subsequently dealt with under clause 8(3) of the Bill. We accordingly recommend that a new clause as follows be added as Clause 13, after Clause 12, and the existing Clauses 13, 14 and 15 being renumbered as Clauses 14, 15 and 16.

> "13. Any person who is found guilty of an offence and is dealt with under the provisions of this Act shall not suffer any disqualification attaching to a conviction for the offence;
>
> Provided that this Section shall not apply to a person released on probation if subsequent to such release he was sentenced under sub-section 3 of Section 8 or a penalty was imposed on him under that sub-section."

6. The Bill was published, as required by the rules in the Official Gazette dated the 26th November 1942 in English and Kannada.

7. As the Bill has undergone changes in material particulars, we recommend that the Bill as amended be republished.

Bangalore, dated 9th April 1943.

Report of the Select Committee
On
The Mysore Probation of Offenders Bill.

We, the undersigned members of the Select Committee, to which the Mysore Probation of Offenders Bill was referred, have scrutinised the Bill and have the honour to submit this, our report, with the Bill as amended by us annexed thereto.

1. Clause 1(3) may be altered as follows. with a view to make the provision more clear:-

> "This Section shall come into force at once; and the Government may, by notification in the Official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in any local area on such date as may be specified in such notification."

2. Clause 2(f).--To make the definition more clear, we recommend the addition of the words 'and defined in the Code' between the words 'Act and 'shall'.

3. Clause 4.--We feel that the provision in this clause is less liberal than Section 562 (1 A) of the Code in respect of some offences and we accordingly recommend the addition of the following between the words 'convicted' and 'of' in line 3 of the clause:--

> "of theft, theft in a building, dishonest misappropriation, or cheating as defined in the Indian Penal Code, as in force in Mysore or"

4. Clause 7(2).--We feel that when once the trial Court has passed an order under Section 4 or 5, it should not be open to any appellate Court, other than the High Court, to set aside the order and in lieu thereof pass sentence on the offender according to law. We accordingly recommend that the following be substituted for sub-clause (2):--

> "When an order has been made under Section 4 or 5 in respect of any offender, the High Court, on appeal when there is a right of appeal to such Court, or when exercising its power of revision set aside such an order and in lieu thereof pass sentence on such offender according to law;
>
> Provided that the High Court shall not inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted."

5. We find that the Madras Probation of Offenders' Act has recently been amended by removal of disqualification attaching to conviction for offences. We are of opinion that similar concession should be extended here also to persons who have satisfactorily completed their probation. This concession would not be available to a person who has failed to observe the conditions of release and is subsequently dealt with under clause 8(3) of the Bill. We accordingly recommend that a new clause as follows be added as Clause 13 after Clause 12 and the existing Clauses 13, 14 and 15 being renumbered as Clauses 14, 15 and 16.

> "13. Any person who is found guilty of an offence and is dealt with under the provisions of this Act shall not suffer any disqualification attaching to a conviction for the offence:
>
> Provided that this Section shall not apply to a person released on probation if subsequent to such release he was sentenced under sub-section 3 of Section 8 or a penalty was imposed on him under that sub-section.

6. The Bill was published, as required by the rules, in the Official Gazette dated the 26th November 1942 in English and Kannada.

7 As the Bill has undergone changes in material particulars, we recommend that

republished.

Bangalore, dated 9th April 1943.

3699/L.C

No. 799
Enc: one

Office of the Advocate-General
in Mysore,

Bangalore, dated 1st May 1943.

From

The Advocate-General
in Mysore, BANGALORE.

To

The Secretary,
Representative Assembly & Legislative
Council, BANGALORE.

OFFICE OF THE SECRETARY
REPRESENTATIVE ASSEMBLY
LEGISLATIVE COUNCIL

Sir,

I have the honor to return herewith, duly approved, the report of the Select Committee on the Mysore Probation of Offenders Bill received with your letter No.5867-72/L.C. dated the 29th April 1943.

I have the honor to be,
Sir,
Your most obedient servant,

Advocate-General.

CSN.

Report of the Select Committee
On
The Mysore Probation of Offenders Bill.

We, the undersigned members of the Select Committee, to which the Mysore Probation of Offenders Bill was referred, have scrutinised the Bill and have the honour to submit this, our report, with the Bill as amended by us annexed thereto

1. Clause 1(3) may be altered as follows, with a view to make the provision more clear:--

> "This Section shall come into force at once and the Government may, by notification in the Official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in any local area on such date as may be specified in such notification."

2. Clause 2(f)--To make the definition more clear, we recommend the addition of the words 'and defined in the Code' between the words 'Act and' 'shall

3. Clause 4.--We feel that the provision in this clause is less liberal than Section 562 (1 A) of the Code in respect of some offences and we accordingly recommend the addition of the following between the words 'convicted' and 'of' in line 3 of the clause:-

> "of theft, theft in a building, dishonest misappropriation, or cheating as defined in the Indian Penal Code, as in force in Mysore or"

4. Clause 7(2).--We feel that when once the trial Court has passed an order under Section 4 or 5, it should not be open to any appellate Court, other than the High Court, to set aside the order and in lieu thereof pass sentence on the offender according to law. We accordingly recommend that the following be substituted for sub-clause (2):--

> "When an order has been made under Section 4 or 5 in respect of any offender, the High Court, on appeal when there is a right of appeal to such Court or when exercising its power of revision set aside such an order and in lieu thereof pass sentence on such offender according to law;
>
> Provided that the High Court shall not inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted."

5. We find that the Madras Probation of Offenders' Act has recently been amended by removal of disqualification attaching to conviction for offences. We are of opinion that similar concession should be extended here also to persons who have satisfactorily completed their probation. This concession would not be available to a person who has failed to observe the conditions of release and is subsequently dealt with under clause 8(3) of the Bill. We accordingly recommend that a new clause as follows be added as Clause 13, after Clause 12, and the existing Clauses 13, 14 and 15 being renumbered as Clauses 14, 15 and 16.

> "13. Any person who is found guilty of an offence and is dealt with under the provisions of this Act shall not suffer any disqualification attaching to a conviction for the offence:
>
> Provided that this Section shall not apply to a person released on probation if subsequent to such release he was sentenced under sub-section 3 of Section 8 ~~or a penalty was imposed on him under that~~ sub-section."

6. The Bill was published, as required by the rules, in the Official Gazette dated the 26th November 1942 in English and Kannada.

7. As the Bill has undergone changes in material particulars, we recommend that the Bill, as amended, be republished.

Bangalore, dated 9th April 1943.

C. F. No. 46]

GOVERNMENT OF MYSORE

Tele gram / phone

3700/L.C

OFFICE OF

The Inspector-General of Police
in Mysore
(Member of the Select Committee
to the Legislative Council)
Bangalore.

No. C.C.188/42-43.

Encls.

Encl-one

Date May 1, 1943.

To

The Secretary,
Representative Assembly & Legislative
Council in Mysore, Bangalore.

OFFICE OF THE SECRETARY
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

Sir,

I have the honour to return herewith, duly approved, the report of the Select Committee for the Mysore Probation of Offenders Bill, sent with your letter No.5867-72/L.C. dated the 29th ultimo.

I have the honour to be,
Sir,
Your most obedient servant.

M Devadas

Inspector-General of Police
in Mysore
(Member of the Select Committee
of the Legis. Council)

Report of the Select Committee
On
The Mysore Probation of Offenders Bill.

We, the undersigned members of the Select Committee, to which the Mysore Probation of Offenders Bill was referred, have scrutinised the Bill and have the honour to submit this, our report, with the Bill as amended by us annexed thereto.

1 Clause 1(3) may be altered as follows, with a view to make the provision more clear:--

> "This Section shall come into force at once; and the Government may, by notification in the Official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in any local area on such date as may be specified in such notification."

2. Clause 2(f).--To make the definition more clear, we recommend the addition of the words 'and defined in the Code' between the words 'Act' and 'shall'.

3 Clause 4.--We feel that the provision in this clause is less liberal than Section 562 (1A) of the Code in respect of some offences and we accordingly recommend the addition of the following between the words 'convicted' and 'of' in line 3 of the clause:--

> "of theft, theft in a building, dishonest misappropriation, or cheating as defined in the Indian Penal Code, as in force in Mysore or"

4. Clause 7(2).--We feel that when once the trial Court has passed an order under Section 4 or 5, it should not be open to any appellate Court, other than the High Court, to set aside the order and in lieu thereof pass sentence on the offender according to law. We accordingly recommend that the following be substituted for sub-clause (2):--

> "When an order has been made under Section 4 or 5 in respect of any offender, the High Court, on appeal when there is a right of appeal to such Court, or when exercising its power of revision set aside such an order and in lieu thereof pass sentence on such offender according to law:
>
> Provided that the High Court shall not inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted."

5. We find that the Madras Probation of Offenders' Act has recently been amended by removal of disqualification attaching to conviction for offences. We are of opinion that similar concession should be extended here as to persons who have satisfactorily completed their probation. This concession would not be available to a person who has failed to observe the conditions of release and is subsequently dealt with under clause 8(3) of the Bill. We accordingly recommend that a new clause as follows be adde as Clause 13, after Clause 12, and the existing Clauses 13 14 and 15 being renumbered as Clauses 14, 15 and 16.

> "13. Any person who is found guilty of an offence and is dealt with under the provisions of this Act shall not suffer any disqualification attaching to a conviction for the offence:
>
> Provided that this Section shall not apply to a person released on probation if subsequent to such release he was sentenced under sub-section 3 of Section 8 or a penalty was imposed on him under that sub-section."

6. The Bill was published, as required by the rules in the Official Gazette dated the 26th November 1942 in English and Kannada.

7. As the Bill has undergone changes in material particulars, we recommend that the Bill as amended, be republished.

Bangalore, dated 9th April 1943.

Approved.

M. Venkatadri

INSPECTOR GENERAL OF POLICE IN MYSORE.

30-4-43.

(Member of the Select Committee to the Legislative Council.)

3706/L.C.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Office of the Secretary.

Representative Assembly and Legislative Council.

No. 5867-72 C.

Bangalore Dated, 29th April 1948.

FROM

The Secretary,
Representative Assembly and Legislative Council.

TO

M. Ramachandra Rao Scindia Esq.,
Member of the Select Committee to the Legislative Council, Bangalore

SIR,

I have the honour to forward herewith a copy of the report of the Select Committee appointed to consider Mysore Probation of Offenders Bill, and to request that the same may be returned to this office very early when your approval has been obtained.

I have the honour to be,
Sir,
Your obedient servant,
B.K. Ramakrishna
Secretary to the Select Committee

The bill has been approved and returned with compliments which may kindly be acknowledged
M. Ramachandra Rao Scindia

Committee,
ll was refer-
onour to sub-
d by us an-
ws, with a
e at once;
in the
y of the re-
ne into
s may be speci-
on more
s 'and defined
ll'.
ion in this
) of the
rdingly
een the words
lishonest
ed in the
Indian Penal Code, as in force in Mysore or"

4. Clause 7(2).--We feel that when once the trial Court has passed an order under Section 4 or 5, it should not be open to any appellate Court, other than the High Court, to set aside the order and in lieu thereof pass sentence on the offender according to law. We accordingly recommend that the following be substituted for sub-clause (2):--

> "When an order has been made under Section 4 or 5 in respect of any offender, the High Court, on appeal when there is a right of appeal to such Court or when exercising its power of revision set aside such an order and in lieu thereof pass sentence on such offender according to law;
>
> Provided that the High Court shall not inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted."

5. We find that the Madras Probation of Offenders' Act has recently been amended by removal of disqualification attaching to conviction for offences. We are of opinion that similar concession should be extended here also to persons who have satisfactorily completed their probation. This concession would not be available to a person who has failed to observe the conditions of release and is subsequently dealt with under clause 8(3) of the Bill. We accordingly recommend that a new clause as follows be added as Clause 13, after Clause 12, and the existing Clauses 13, 14 and 15 being renumbered as Clauses 14, 15 and 16.

> '13. Any person who is found guilty of an offence and is dealt with under the provisions of this Act shall not suffer any disqualification attaching to a conviction for the offence:
>
> Provided that this Section shall not apply to a person released on probation if subsequent to such release he was sentenced under sub-section 3 of Section 8 or a penalty was imposed on him under that sub-section.'

6. The Bill was published, as required by the rules, in the Official Gazette dated the 26th November 1942 in English and Kannada.

7. As the Bill has undergone changes in material particulars, we recommend that the Bill, as amended, be republished.

Bangalore, dated 9th April 1943.

Report of the Select Committee
On
The Mysore Probation of Offenders Bill.

We, the undersigned members of the Select Committee, to which the Mysore Probation of Offenders Bill was referred, have scrutinised the Bill and have the honour to submit this, our report, with the Bill as amended by us annexed thereto

1. Clause 1(3) may be altered as follows, with a view to make the provision more clear:--

> "This Section shall come into force at once; and the Government may, by notification in the Official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in any local area on such date as may be specified in such notification."

2. Clause 2(f).--To make the definition more clear, we recommend the addition of the words 'and defined in the Code' between the words 'Act' and 'shall'.

3. Clause 4.--We feel that the provision in this clause is less liberal than Section 562 ~~xx~~ (1A) of the Code in respect of some offences and we accordingly recommend the addition of the following between the words 'convicted' and 'of' in line 3 of the clause:--

> 'of theft, theft in a building, dishonest misappropriation, or cheating as defined in the Indian Penal Code, as in force in Mysore or"

4. Clause 7(2).--We feel that when once the trial Court has passed an order under Section 4 or 5, it should not be open to any appellate Court, other than the High Court, to set aside the order and in lieu thereof pass sentence on the offender according to law. We accordingly recommend that the following be substituted for sub-clause (2):--

> "When an order has been made under Section 4 or 5 in respect of any offender, the High Court, on appeal when there is a right of appeal to such Court, or when exercising its power of revision set aside such an order and in lieu thereof pass sentence on such offender according to law;
>
> Provided that the High Court shall not inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted."

5. We find that the Madras Probation of Offenders Act has recently been amended by removal of disqualification attaching to conviction for offences. We are of opinion that similar concession should be extended here also to persons who have satisfactorily completed their probation. This concession would not be available to a person who has failed to observe the conditions of release and is subsequently dealt with under clause 8(3) of the Bill. We accordingly recommend that a new clause as follows be added as Clause 13, after Clause 12, and the existing Clauses 13, 14 and 15 being renumbered as Clauses 14, 15 and 16.

> 13. Any person who is found guilty of an offence and is dealt with under the provisions of this Act shall not suffer any disqualification attaching to a conviction for the offence:
>
> Provided that this Section shall not apply to a person released on probation if subsequent to such release he was sentenced under sub-section 3 of Section 8 or a penalty was imposed on him under that sub-section."

6. The Bill was published as required by the rules in the Official Gazette dated the 26th November 1942 in English and Kannada.

7. As the Bill has undergone changes in material particulars, we recommend that the Bill, as amended, be republished.

Bangalore, dated 9th April 1943.

(1)

THE MYSORE PRISONS BILL.

Sir,

I beg to move that the Mysore Prisons Bill as submitted by the Select Committee be taken into consideration.

When the Bill was placed before this House at its last session, it met with the unanimous approval of the Members and the motion for referring the Bill to the Select Committee was unanimously adopted.

The Bill has been considered in great detail by the Select Committee. Its report and the Bill as amended are in the hands of the Members. Many of the changes are only verbal. The most important change recommended is the incorporation in the Bill of chapter XII relating to the temporary release of prisoners. The provisions in this chapter ~~are~~ empower the - Government or any authority delegated with this power to release, temporarily for a period not exceeding ten days in a year, any prisoner, subject to certain conditions specified in the Chapter. This release of prisoners on parole should go a long way to make it easier for the prisoner to go back into the society after he has served the term of imprisonment to which he is sentenced. It will also enable him to keep in touch with his relations and friends.

I should like to refer also to the amendment proposed to clause 35 of the Bill under which the maximum period during which a criminal prisoner sentenced to labour should be kept to labour on any day has been reduced from 9 to 8 hours. Clause 41 which relates to the right of under-trial prisoners to see their legal advisers has also been suggested for amendment so as to permit prisoners intending to prefer an appeal or petition against their conviction to see their legal advisers without the presence of any other person.

I may also mention that, in clause 48 which relates to combination of punishment for prison offences, the Committee has recommended an amendment that formal warning should not be combined with any other form of punishment whatsoever. In clause 52 which relates to the recording of certain evidence in the case of serious prison offences, the Committee has - suggested that the substance of the evidence of witnesses appearing for the defence should also be stated.

The Members of this House will, I am sure, agree that the Bill as it has emerged from the Select Committee is an improvement in many respects on the Bill which was referred to it. I request the Members of the House to give their - approval to the Bill.

THE MYSORE BORSTAL SCHOOLS BILL.

Sir,

I beg to present the report of the Select Committee appointed to consider the Mysore Borstal Schools Bill.

Sir,

I beg to move that the Mysore Borstal Schools Bill as ~~received~~ from the Select Committee be taken into consideration.

Of the few changes recommended by the Select Committee I should like to refer to only two. The first relates to - clause 13 under which Government are empowered to commute the unexpired residue of the term of detention to one of imprisonment in the case of offenders who are reported by the Inspector-General to be incorrigible or to exercise a bad influence on other inmates. The Committee has recommended that before the Inspector-General makes any such recommendation, he should consult the Visiting Committee. The amendment proposed to this clause seeks to give effect to this recommendation. The other change to which I should like to refer, is one relating to clause 23 which deals with punishment which may be inflicted on an inmate of a Borstal School. Item V of this clause - empowers infliction of cuts on hands by rattan not exceeding six, on each hand. The Committee has expressed the opinion that corporal punishment should not be one of the specified punishments. In lieu thereof, however, it recommends that provision should be made for the restriction of diet. The change proposed to be effected to clause 23 will give effect to this recommendation. Sir, I move.

THE MYSORE PROBATION OF OFFENDERS BILL.

Sir,-- I beg to move that the Mysore Probation ffenders Bill be referred to a Select Committee isting of:-

This is the last of the four Bills drafted by Prison Reforms Committee, which I have the privi- of placing before this House. This Bill is intended to provide a person convicted of a criminal offence, wherever possible, an opportunity to reform himself, having regard to his age, character and his surrounding circumstances. The power to order releas on probation of good conduct instead of sentencing him to imprisonment is not a new feature of the Criminal Law of the Land. This principle is already enshrined in Section 562 of the Code of Criminal Procedure. The present Bill widens the field of its application. Section 562 of the Criminal Procedure Code applies only to first offenders. The present Bill is not so limited. Release after admonition is limited by sub-section (1) (a) of Section 562 to offences under the Indian Penal Code only. This Bill extends this to persons convicted of offences under other laws. In respect of women, this Bill extends the application of the principle to cases of conviction for any offence whatsoever.

The Mysore Borstal Schools Bill.

Sir, I beg to move that the Mysore Borstal Schools Bill be referred to a select Committee consisting of

This Bill relates to the case of adolescent offenders or youngsters between the ages of 16 and 21 who are likely, unless taken in hand in time, to take permanently to crime. This Bill will empower Government to establish special institutions to which such persons can be sent by the Magistrates to be kept under discipline and control for a term of years. The Committee has stated that the object of reformation and training cannot be properly carried out unless the term of detention in the special institution is sufficiently long. For this purpose provision has been made in the Bill for detention for a term which shall not be less than three years and shall not exceed five years. Provision however is available for earning remission. It is also open to the authorities to release an inmate on licence at any time after six months from the commencement of the term of detention. Within the Borstal School itself provision is made in the Bill for a regulated system of grades carrying progressive freedom and privileges. There are four grades among which promotions and reductions will be regulated by close personal observation of the inmates and depending specially on their general behaviour to amenability to discipline and attention to instruction.

The maintenance of order and discipline in a Borstal School, it is conceded, will require

THE MYSORE PROBATION OF OFFENDERS BILL.

Sir,

I beg to move that the Mysore Probation of Offenders Bill be referred to a Select Committee consisting of:--

This is one of the four Bills drafted by the Prison Reforms Committee. This Bill is intended to provide a criminal wherever possible, having regard to his age, character and his surrounding circumstances, an opportunity to reform himself. The power to order release on probation of good conduct instead of sentencing him to imprisonment is not a new feature of the Criminal Law. Provision is already available for this purpose under Section 562 of the Code of Criminal Procedure. But the present Bill enlarges the scope of the power ~~to order release~~ considerably. It may not be out of place if I shortly deal with the provisions of this Bill with reference to Section 562. Section 562 applies only to first offenders. The present Bill is not so limited. The power of release after admonition is limited under sub-section (1)(a) of Section 562 to offences under the Indian Penal Code only. Under this Bill, the offences may be under any law. So far as women prisoners are concerned, she may be convicted of an offence of any kind,

The Mysore Children Bill.

Sir, I beg to move that the Mysore Children Bill be referred to a select committee consisting of

This is another of the bills drafted by the Committee on Prison Reform to facilitate the early introduction of a scheme for the purpose of providing for youthful delinquency. In 1934 Government appointed a Committee to examine the desirability and feasibility of starting a Borstal School for juvenile offenders. The Committee presented its report in 1937 and appended the draft of a bill which sought to deal with the juvenile problem. This Bill was published for opinion and later on was passed with certain amendments as the Mysore Juveniles Act XIV of 1939. The Prison Reform Committee has examined the Act and ~~has come to the conclusion~~ recommended that the Act requires thorough revision and ~~better still it~~ requires replacement ~~by other~~ re-enactment~~s framed~~ on more suitable lines.

Legislation dealing with youthful delinquency falls under two classes. The first ~~is embodied in the Children's Acts dealing~~ deals with the protection and rescue of boys and girls under the age of 16, and the second ~~in the Borstal Schools Acts dealing~~ with offenders between the ages of 16 and 21. The Juvenile Act, ~~it is stated by the Committee,~~ mixes up the two classes ~~of cases indiscriminately~~, and provides for only one institution to which these young persons may be committed. ~~This perpetuates the very evil which is sought to be met.~~ The Committee has therefore drafted two Bills, one dealing with ~~t~~ children up to the ages of 16 and the other ~~of~~ both young persons between the ages of 16 and 21. The Children Bill deals with the first

~~earlier of the two~~ classes. The purpose of the Children Bill as given in the statement of objects and reasons is both preventive and remedial. ~~Its~~ It is not ~~merely~~ merely a bill for ~~trial~~ of offences committed by children. It is also a bill for protection & care of children and ~~main provisions are:~~ The provisions firstly, that charges against children should be dealt with not by ordinary tribunals but special courts held in camera; secondly, the concern of the court ~~is~~ should be more with the offender than with the offence. ~~So that~~ In suitable cases, the child ~~may~~ will be discharged or committed to the care of a parent or committed to a special institution ~~or~~. It is only in very serious cases that a sentence of ~~to~~ imprisonment ~~where~~ would be awarded and then two, as when the offender is 14 years or upwards. Such release under supervision ~~provision~~ is expected to result in a definite and constructive guidance either in the child's own parental home or in an institution specially constituted for this purpose. Provision is also made in the Bill for the appointment of probation officers. His duties are to visit the children or juvenile offenders, to see that the relatives of the child observe the conditions of the bond under which the child is released, to report to the court behaviour of the child and generally to assist and befriend the child or the juvenile offender and also to find him suitable employment in proper cases.

and for ~~trial~~ punishment of offences committed against children. Even in the trial of ~~of~~ children certain ~~important~~ ~~directions~~ vital departures from ordinary practice are prescribed.

Under this Bill no child can be sentenced to death or transportation or even committed to prison except where a child who is ~~is 14~~ years of age or upwards is of so unruly or depraved a character that he is not fit to be sent to a certified school in which case he may be committed to a prison.

~~The other provisions of the Bill are incidental to these main purposes and will doubtless be scrutinised with great care by the select committee.~~

The care of destitute children is provided for by ~~Chapter~~ Part I and the protection of children ~~against of~~ ~~from offences against them~~ from exploitation by elders & from other offences likely to be committed against them ~~by~~ is provided for by Part III of the Bill.

The principles of the Bill are applied to the Act as the result of an amendment moved by ~~[illegible]~~ Lord Sinha; [illegible]

THE MYSORE BORSTAL SCHOOLS BILL.

Sir,-- I beg to move that the Mysore Borstal Schools Bill be referred to a Select Committee consisting of-

This Bill relates to the case of adolescent offenders between the ages of 16 and 21. It contemplates taking them in hand in time and prevent them from taking permanently to crime. The Bill empowers Government to establish special institutions to which Magistrates can send such individuals for being kept under discipline and control for a term of years. As the Committee remark, the object of reformation cannot be secured unless the term of detention in the special institution is sufficiently long. Detention in such an institution will therefore for a minimum term of three years. It will not however be unduly long. It will not exceed five years. In suitable cases, an inmate may be released on licence at any time after six months from the date of reception. Within the Borstal School, a regulated and graded system of progressive freedom and privileges is provided. There are four such grades. Transfer from one grade to another will be regulated by close personal observation of the inmates and will depend on general behaviour, amenability to discipline and attention to instruction.

THE MYSORE BORSTAL SCHOOLS BILL.

Sir, I beg to move that the Mysore Borstal School Bill be referred to a Select Committee consisting of

~~unless~~ taking firm hand in crime ~~to take~~ permanently to crime. This Bill ~~will~~ empowers Government to establish special institutions to which ~~such persons~~ Magistrates can ~~be~~ sent ~~by the Magistrates~~ such individuals ~~to be~~ for being kept under discipline and control for a term of years. It The Committee ~~has stated that~~ remarks the object of reformation ~~and training~~ cannot be ~~properly carried out~~ secured unless the term of detention in the special institution is sufficiently long. ~~For this purpose provision has been made in the Bill for~~ In such an institution a detention for a minimum term ~~which shall be not be less than~~ of three years ~~and shall~~ It will not however be unduly long. It will not exceed five years. ~~Provision however is available for earning remission. It is also open to the authorities to release~~ In suitable cases, an inmate may be released on license at any time after six months from the ~~commencement of the term of detention~~ date of reception. Within the Borstal School ~~itself provision is made in the Bill for a~~ regulated and graded system of ~~grades carrying~~ is provided progressive freedom and privileges. There are four grades, ~~among which~~ Transfer from one grade to another ~~promotions and reductions~~ will be regulated by close personal observation of the inmates and both depending ~~specially~~ on ~~their~~ general behaviour, ~~&~~ amenability to discipline and attention to instruction.

The maintenance of order and discipline in a Borstal School, it is conceded, will require certain summary powers of punishment which should be vested in the Superintendent. They are also provided for in the Bill and are not either unduly repressive or deterrant. Finally, one very important provision to which I would like to draw the attention of members is clause 30 which states that "the detention of an offender in a Borstal School shall not be deemed to be a disqualification attaching to a conviction for any offence". This gives effect to the principle that a probationer who has satisfactorily completed his probation should not be subject to the disqualifications attaching to a conviction for an offence. I may say incidentally that the Madras Probation of Offenders Act was recently amended to give effect to this principle.

The principles of this Bill were placed before the R.A. at its ~~last~~ recent session on Oct 1962 and were approved by it. I am sure that this House also will give its approval to the motion to refer this Bill to the Select Cmte of Hon'ble members as I have mentioned above.

THE MYSORE CHILDREN BILL

Sir, I beg to move that the Mysore Children Bill b referred to a select committee consisting of

This is another of the bills drafted by the Commi on Prison Reform to facilitate the early introduction of a scheme for the purpose of providing for youthful delinquency. In 1934 Government appointed a Committee to examine the desirability and feasibility of starting a Borstal School for juvenile offenders. The Committee presented its report in 1937 and appended the draft of a bill which sought to deal the juvenile problem. This Bill was published for opinion and later on was passed with certain amendments as the Mysore Juveniles Act XIV of 1939. The Prison Reform Committee has examined the Act and has recommended that the Act requires thorough revision and re-enactment on more suitable lines.

Legislation dealing with youthful delinquency falls under two classes. The first deals with the protection and rescue of boys and girls under the age of 16, and the second with offenders between the ages of 16 and 21. The first is generally called Children's Act and the other Borstal Schools Act. The Mysore Juveniles Act mixed up the two classes and provides for only one institution to which these young persons may be committed. The Committee has therefore drafted two Bills, one dealing with children up to the age of 16 and the other with young persons between the ages of 16 and 21.

The Children Bill deals with the first class. The purpose of the Children Bill as given in the statement of objects and reasons is both preventive and remedial. It is not a bill merely for punishing offences committed by children. It is also a bill for protection and care of children and for punishment of offences committed against children. Even in the trial of children, certain vital departures from ordinary ~~practice~~ procedure are prescribed: firstly, that charges against children should be dealt with not by ordinary tribunals but special courts held <u>in camera</u>; secondly, the concern of the court should be more with the offender than with the offence. In suitable cases, the child will be discharge or committed to the care of a parent or committed to a special institution. It is only in very serious cases that a sentence of imprisonment would be awarded and that too, only when the offender is 14 years or upwards. ~~Such~~ Release under supervision is expected to result in ~~a~~ definite and constructive guidance either in the child's own parental home or in an institution specially constituted for this purpose. Provision is also made in the Bill for the appointment of probation officers. His duties are to visit the children or juvenile offenders, to see that the relatives of the child observe the conditions of the bond under which the child is released, to report to the court behaviour of the child and generally to assist and befriend the child or the juvenile offender and also to find him suitable employment in ~~proper cases~~ due time

The care of destitute children is provided for by Part II and the protection of children from exploitation by elders and from other offences likely to be committed against them is provided for by Part III of the Bill. The principles of the Bill were placed before the Representative Assembly at the recent session in October 1942 and were approved by that House. I am sure that House will accord its approval to the motion that the Bill be referred to select committee consisting of the Honourable

members ~~gentlemen~~

MYSORE LEGISLATIVE COUNCIL

BUDGET SESSION—JUNE AND JULY 1943.

AMENDMENTS TO THE "MYSORE BORSTAL SCHOOLS BILL".

Date of Receipt of Notice: 15th June 1943.

BY MR. S. NARAYANA RAO,
Member, Legislative Council.

After clause 9, a new clause be added as follows:—

A court, on remanding or committing for trial an accused person who is between the ages of 16 and 21, shall order him to be detained in the manner prescribed by rules."

Another new clause be also added as follows:—

When a person apparently under the age of 21 years has not been released after arrest by the officer in charge of a Police Station, such officer shall cause him to be detained in such manner as shall be prescribed by the Rules."

In clause 15, sub-clause (4) be added as follows:-

When a woman or girl is released under this section, the supervision and authority shall be vested in a woman."

After clause 19, add a new clause to this effect:—

When a person who has been detained in a Borstal School has been discharged after the term of detention has expired, his conviction for the offence shall be disregarded for the purposes of any enactment by or under which any disqualification or disability is imposed upon convicted persons."

In clause 27 (2) a sub-clause (j) be added:—

"the manner of detention of the accused under arrest, or remanded or committed for trial."

K. RAMAKRISHNAIYA,
Secretary,
Mysore Legislative Council.

WD 6390—GPB—150—19-6-43.

MYSORE BORSTAL SCHOOLS BILL.

Amendment No. 1.- The amendment is not clear. If it deals with the treatment of an under-trial prisoner, there does not appear to be any need for incorporating its provisions in this Bill, Since rules to be framed under the Prisons Act would be the ~~X~~ more appropriate place.

Amendment No. 2.- ~~X~~ Cases in which an accused will be in police custody for any length of time are bound to be rare, since courts are discouraging prisoners from being kept in police custody for any greater length of time than is absolutely necessary for the investigation of the case.

Amendment No. 3.-

In this case, the supervision will be by an officer of the Govt. or a secular institution or a religious society or a responsible person as may be approved by the Inspector General. In cases where women or girls are involved, the Inspector General will naturally appoint a woman. Where, however, institutions or societies are involved, any such restriction becomes unnecessary. The amendment seems to be unnecessary. Further, it would exclude the father.

Amendment No. 4.- There is no question of conviction under this Bill. Orders are orders of detention. As such, there is no need to provide for the removal of any disqualification or disability imposed by reason of conviction. On the other hand, the very existence of such provision would make it appear as if detention under this Bill is considered to be some

MYSORE LEGISLATIVE COUNCIL.

BUDGET SESSION—JUNE AND JULY 1943.

AMENDMENTS TO THE MYSORE CHILDREN BILL

Date of Receipt of Notice : 15th June 1943.

BY MR. S. NARAYANA RAO,
Member, Legislative Council.

1 A new clause be added after Clause 28 as follows :-

Notwithstanding anything contained in the Code of Criminal Procedure, no case against a child in any court shall be tried in a summary way."

2. Another new clause be added to this effect :—

"Notwithstanding anything contained in any enactment for the time being in force, no child shall be sentenced by a court to corporal punishment".

3. In clause 31, sub-clause (3) be added as follows :—

"(3) When a girl is placed under a probation officer, the probation officer shall be a woman."

4. A new clause be added after Clause 42 as follows :—

"When a child has been duly discharged as provided in this Act, the conviction of the child for the offence shall be disregarded for the purposes of any enactment by or under which any disqualification or disability is imposed upon convicted persons."

B. K. RAMAKRISHNAIYA,
Secretary,
Mysore Legislative Council.

WD 6390—GPB—150—19-6-43.

THE MYSORE CHILDREN'S BILL

1st Amendment: Under this amendment, no case against a child is required to be tried in a summary way. The provisions of the Cr. Pr. Code regarding summary trials make it optional on the part of the Judge to try certain cases specified therein in a summary way. In cases in which a ~~xxxxx~~ child is involved, it is open to the court not to try a case in a summary way.

Secondly, the Children's Bill relates to punishments against children and not to procedure to be adopted inthe trial of such cases except in regard the establishment of juvenile courts.

There may be no need to restrict the discretion ~~xxxxxx~~ now vested in the courts.

2nd Amendment.- By this amendment, no chiod can be sentenced by a court to corporal punishment. Clause 25 of the Bill specifies what sentences should not be passed upon children. Clause 33 empowers the courts to senten a child to ~~c~~ caning but only in cases where t conduct of the offender had been such as to lead the court to believe that no other punishment would be effective.

In regard to ~~the~~ Children ~~Corporal~~ punishment is bound to have a very salutary effect and considering the limits under which alone a court can impose this punishment, there may be no need to accept this amendment

Then, in the case of confirmed recidivists a new form of sentence has been devised as 'Preventive Detention.' The Committee on Prison Reforms observe at pages 186-187 of their Report, that "Preventive Detention is not punitive in character, but merely intended for the protection of society" and that "there is a real need for some form of it in this country." This method is considered as the correct way of dealing with such habituals. The segregation of such person in special Criminal settlements where he can live with his family and is trained to lead an honest life under rigid supervision, has been recommended. The Criminal Justice Bill envisaged this system also.

Before any amendment on these lines could be effected in the Prisons Bill, suitable provisions are necessary to be made in the Mysore Probation of Offenders Bill. Hence my attempt in the Select Committee to get these amendments considered were met with the reply that I should get the Probation of Offenders Bill amended first. I therefore respectfully suggest that the Probation of Offenders Bill be first taken into consideration by the Legislative Council and then the Prisons Bill to permit consideration of this question.

One of the terms of the reference to the Committee on Prisons Reform in Mysore was, "The after—care of discharged persons including facilities for their reinstatement in social and economic life." Chapter 10 of the Report deals in extenso with this subject. Neglect of after—care is described as the "weak-spot" in our system There is no use in deploring the absence of agencies. dedicated to such work in Mysore. I suggest that work on the lines adopted by the Bombay Government where a Provincial after—care organisation was formed, with its headquarters in Bombay, may be undertaken. Necessary rules may be framed to blot out this "weak-spot".

Every effort should be made through prison and penal reform to reclaim the offender "through appropriate means, educative, psychological and medical" and to produce a real and lasting moral regeneration. Have we spared no pains to provide the machinery to achieve this desirable object ?

As passed by the Legislative council on 21st June 1943

[~~As Amended by the Select Committee.~~]

[Words ~~underlined or side-lined indicate the~~ amendments ~~suggested by the Committee.~~ Omissions are indicated ~~by asterisks.~~]

14. THE MYSORE PRISONS BILL.

A Bill to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in Mysore;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title, extent and commencement.

1. (1) This Act may be called the Mysore Prisons Act, 194

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of 194

Repeal.

2. (1) On and after the said first day 194 the Prisons Act, XXVI of 1870, which was extended to Mysore by Notification of the Government of India, Foreign Department, Judicial No. 246 I. J., dated the 4th September 1879, shall be repealed.

(2) But all rules and appointments made, directions given and orders issued under the said Act shall, so far as they are consistent with this Act, be deemed to have been respectively made, given and issued under this Act.

(3) Any enactment or document referring to the said Act shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Definitions.

3. In this Act—

(1) "prison" means any jail or place used permanently or temporarily under the general or special orders of the Government for the detention of prisoners, and includes all lands and buildings appertenant thereto, but does not include—

(a) any place for the confinement of prisoners who are exclusively in the custody of the police;

(*b*) any place specially appointed by the Government under section 541 of the Code of Criminal Procedure, 1904;

[(*c*)

(2) "criminal prisoner" means any prisoner duly committed to custody under the warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial:

(3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1904:

(4) "civil prisoner" means any prisoner who is not a criminal prisoner:

(5) "remission system" means the system under the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails:

(6) "history-ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder:

(7) "Inspector-General" means the Inspector-General of Prisons:

(8) "Prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

CHAPTER II.

Maintenance and Officers of Prisons.

4. The Government shall provide, for the prisoners in Mysore, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

5. An Inspector-General shall be appointed for Mysore and shall exercise, subject to the orders of the Government, the general control and superintendence of all prisons situated in Mysore.

Inspector-General.

Officers of prisons.

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer and such other officers as the Government thinks necessary.

Temporary accommodation for prisoners.

7. Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III.

DUTIES OF OFFICERS.

Generally.

Control and duties of officers of prisons.

8. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by rules under section 59.

Officers not to have business dealings with prisoners.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

Officers not to be interested in prison contracts.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest direct or indirect, in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

Superintendent.

11. (1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all

matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the Government, the Superintendent of a prison other than a central prison shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector-General all such orders and the action taken thereon.

Records to be kept by Superintendent.

12. The Superintendent shall keep, or cause to be kept, the following records:—

(1) a register of prisoners admitted;

(2) a book showing when each prisoner is to be released;

(3) a punishment book for the entry of the punishment inflicted on prisoners for prison-offences;

(4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;

(5) a record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules under section 59.

Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Government under section 58.

Medical Officer to report in certain cases

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information and for such action as he deems fit.

Report on death of prisoner.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely:—

(1) the day on which the deceased first complained of illness or was observed to be ill,

(2) the labour, if any, on which he was engaged on that day,

(3) the scale of his diet on that day,

(4) the day on which he was admitted to hospital,

(5) the day on which the Medical Officer was first informed of the illness,

(6) the nature of the disease,

(7) when the deceased was last seen before his death by the Medical Officer

(8) when the prisoner died, and

(9) (in cases where a *post-mortem* examination is made) an account of the appearances after death, together with any special remarks that appear to the Medical Officer to be required. A copy of the particulars shall be sent to the Inspector-General as soon as may be

Jailer.

Jailer.

16. (1) The Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2) The Jailer shall not, without the Inspector General's sanction in writing, be concerned in any other employment.

Jailer to give notice of death of prisoner.

17. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the Medical Officer.

Responsibility of Jailer.

18. The Jailer shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confined to his care, and for the money and other articles taken from prisoners.

Jailer to be present at night.

19. The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent; but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

Powers of Deputy and Assistant Jailers.

20. Where a Deputy Jailer or Assistant Jailer is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities of a Jailer under this Act or any rule thereunder.

Subordinate Officers.

21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer. Duties of gate-keeper

22. Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer. Subordinate officers not to be absent without leave.

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore. Convict officers.

CHAPTER IV.

Admission, Removal and Discharge of Prisoners.

24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him. Prisoners be exami on admis

(2) Every * prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailer, a record of the state of the prisoner's health and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners, the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

25. All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailer. Effects of prisoners

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer. Removal discharge prisoners.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

DISCIPLINE OF PRISONERS.

27. The requisitions of this Act with respect to the separation of prisoners are as follows:—

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners;

(2) in a prison where male prisoners under the age of eighteen are confined, means shall be provided for separating them altogether from other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from criminal prisoners.

Association and segregation of prisoners.

28. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

Solitary confinement.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer.

Prisoners under sentence of death.

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailer, and all articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners.

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private source at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-General. Maintenance of certain prisoners.

32. No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner, and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper. Restriction on transfer of food and clothing between certain prisoners.

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary. Supply of clothing and bedding to civil and unconvicted criminal prisoners

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the * * * bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

CHAPTER VII.

Employment of Prisoners.

34. (1) Civil prisoners may, with the * permission of the Superintendent, work and follow any trade or profession. Employment of civil prisoners.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

Employment of criminal prisoners.

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing, of the Superintendent, be kept to labour for more than * eight hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

Employment of criminal prisoners sentenced to simple imprisonment

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

CHAPTER VIII.

Health of Prisoners.

Sick prisoners

37. (1) The names of prisoners desiring to see the * * Medical Officer or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoner to the Jailer.

(2) The Jailer shall, without delay, call the attention of the * Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer * respecting alterations of the discipline or treatment of any such prisoner

38. All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions

relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the Government may by rule direct, and the Jailer shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of the entry.

Hospital.

39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners.

Power of Superintendent to send a prisoner to hospital for special treatment.

40. The Superintendent may, if in his opinion a prisoner requires special treatment in a hospital outside the prison or in a * * * Mental Hospital send him to such hospital without requiring him to be in or under the custody or control of any prison officer but, * * subject to the prisoner or any relative or friend of the prisoner executing such bond and abiding by such other conditions, if any, as the Government may by rule or order prescribe. Any period during which the prisoner is undergoing treatment in such hospital or asylum or spent by him in going thereto or returning therefrom shall be deemed to be part of the period of his detention in the prison.

CHAPTER IX.

Visits to Prisoners

Visits to civil and unconvicted criminal prisoners.

41. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial or prisoners intending to prefer an appeal or petition against their conviction, may see their duly qualified legal advisers without the presence of any other person.

Search of visitors.

42. (1) The Jailer may demand the name and address of any visitor to a prisoner, and, when the Jailer

has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Government may direct.

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

43. Whoever, contrary to any rule under section 58, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees or to both.

44. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police Officer, and thereupon such Police Officer shall proceed as if the offence had been committed in his presence.

45. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 43 and the penalties incurred by their commission.

CHAPTER XI.

PRISON-OFFENCES.

46. The following acts are declared to be prison-offences when committed by a prisoner:— Prison-offences.

(1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 61 to be a prison-offence;
(2) any assault or use of criminal force;
(3) the use of insulting or threatening language;
(4) immoral or indecent or disorderly behaviour;
(5) wilfully disabling himself from labour;
(6) contumaciously refusing to work;
(7) filing, cutting, altering or removing hand-cuffs, fetters, or bars without due authority;
(8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
(9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
(10) wilful damage to prison-property;
(11) tampering with or defacing history-tickets, records or documents;
(12) receiving, possessing or transferring any prohibited article;
(13) feigning illness;
(14) wilfully bringing a false accusation against any officer or prisoner;
(15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison-official; and
(16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

47. The Superintendent may examine any person touching any such offence, and determine thereupon and punish such offence by— Punishment of such offences.

(1) a formal warning;

Explanation.—A formal warning shall mean a warning personally addressed to a prisoner by

the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;

(2) change of labour to some more irksome or severe form for such period as may be prescribed by rules made by the Government;

(3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment;

(4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Government:

(5) imposition of handcuffs of such pattern and in such manner and for such period, as may be prescribed by rules made by the Government;

(6) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(7) separate confinement for any period not exceeding * two months;

Explanation.—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

(8) penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Government:

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

(9) cellular confinement for any period not exceeding ten days:

Provided that after each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again punished by cellular confinement

Explanation.—Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners;

(10) penal diet as defined in clause (9) combined with celular confinement:

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters.

48. (1) Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions namely,—

(i) formal warning shall not be combined with any other punishment * * * * * *

(ii) penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with cellular confinement;

(iii) cellular confinement shall not be combined with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable;

(iv) no punishment shall be combined with any other punishment in contravention of rules made by the Government.

(2) No punishment shall be awarded for any such offence so as to combine with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.

Award of punishments under sections 47 and 48.

49. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector-General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Punishments to be in accordance with fore

50. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner and no

punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Medical Officer to certify to fitness of prisoner for punishment.

51. (1) No punishment of penal diet, either singly or in combination, or of change of labour under section 47, clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if, he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion, in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

Entries in punishment book.

52. (1) In the punishment-book prescribed in section 12, there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, as also the substance of the evidence of the witnesses, proving the offence or appearing for the defence, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment, the Jailer and the Superintendent shall affix their initials as evidence of the correctness of the entries.

Procedure on committal of heinous offence.

53. If any prisoner is guilty of any offence against prison-discipline which, by reason of his having frequently committed such offences or otherwise in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class having jurisdiction, together with a

statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which, such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 47:

Provided that the District Magistrate may transfer the case for inquiry and trial to any Magistrate of the first class: and

Provided also that no person shall be punished twice for the same offence.

Offences by prison subordinates.

54. (1) Every Jailer or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice, in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) No person shall, under this section, be punished twice for the same offence.

CHAPTER XII.

Temporary Release of Prisoners.

55. (1) The Government or any authority to which the Government may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules made by the Government, release, temporarily for a period not exceeding ten days in a year excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for purposes of this Act and who has had more than three convictions.

(3) No person shall be released under sub-section (1) unless—

(a) he has, at the time of his release, served one half of his sentence including remission or a period of not less than two years of his sentence including remission, whichever is less;

(b) his conduct in prison has been good;

(c) twelve months have elapsed from the date of the expiry of the period of his previous release under this section.

(4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence.

56. (1) On the expiry of the period for which a prisoner was released under sub-section (1) of section 55, he shall surrender himself to the officer in charge of the prison from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence.

57. Any prisoner who does not surrender himself as required by sub-section (1) of section 56 shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

CHAPTER XIII

MISCELLANEOUS.

58. A prisoner, when being taken to or from any prison in which he may be lawfully confined or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison-officer belonging to such prison, shall be deemed to be in prison and shall be subject to the same incidents as if he were actually in prison.

59. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid

down by the Inspector-General with the sanction of the Government, so confine them.

60. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity in which case notice thereof shall be forthwith given to the Superintendent. Prisoners not to be ironed by Jailer ex ne

61. The Government may make rules consistent with this Act— Po m

(1) defining the acts which shall constitute prison-offences;

(2) determining the classification of prison-offences into serious and minor offences;

(3) fixing the punishments admissible under this Act which shall be awardable for commission of prison-offences or classes thereof;

(4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code as in force in Mysore may or may not be dealt with as a prison-offence;

(5) for the award of marks and the shortening of sentences;

(6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;

(8) for the classification of prisons and description and construction of wards, cells and other places of detention;

(9) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;

(10) for the government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this Act;

(11) as to the food, clothing and bedding of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;

(12) for the employment, instruction and control of convicts within or without prisons;

(13) for defining articles, the introduction or removal of which into or out of prisons without due authority is prohibited;

(14) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;

(15) for regulating the disposal of the proceeds of the employment of prisoners;

(16) for the classification and the separation of prisoners;

(17) for regulating the confinement of convicted criminal prisoners under section 28;

(18) for the preparation and maintenance of history-tickets;

(19) for the selection and appointment of prisoners as officers of prisons;

(20) for rewards for good conduct;

(21) for regulating the transfer of prisoners whose term of imprisonment is about to expire;

(22) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;

(23) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends;

(24) for the appointment and guidance of visitors of prisons;

(25) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1904, and to the officers employed, and the prisoners confined, therein;

(26) in regard to the admission, custody, employment, dieting, treatment, and release of prisoners, and for other purposes consistent with this Act; and

(27) generally, for carrying into effect the purposes of this Act.

Exhibition of copies of rules.

62. Copies of rules under section 61, so far as they affect the government of prisons, shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a prison have access.

Exercise of powers of Superintendent and Medical Officer.

63. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may, in his absence, be exercised and performed by such other officer as the Government may appoint in this behalf either by name or by his official designation.

[~~As~~ AMENDED BY THE SELECT COMMITTEE].

[Words ~~underlined~~ or side-lined ~~indicate the amendments~~ suggested ~~by~~ the committee, omissions are indicated ~~by asterisks.~~]

THE MYSORE CHILDREN BILL.

WHEREAS it is expedient to make provision for the custody and protection of children and for the custody, trial and punishment of juvenile offenders; * * * * * It is hereby enacted as follows :— Preamble

PART I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Children Act. Short title, extent and commencement.

(2) It extends to the whole of Mysore.

(3) This section shall come into force at once. The Government may, by notification in the official Gazette from time to time, apply the whole or any portion of this Act to children or juvenile offenders or any class thereof in any local area in Mysore from such date as may be specified in the notification, and may in like manner cancel or modify any such notification.

(4) The Mysore Juveniles Act, XIV of 1939, is hereby repealed. Repeal.

2. In this Act, unless there is anything repugnant in the subject or context— Interpretation clause.

(a) "Child" means a person under the age of sixteen years and, when used with reference to a child sent to a certified school, applies to that child during the whole period of his detention, notwithstanding that the child may have attained the age of sixteen years;

(b) "Juvenile offender" means any child who has been found to have committed an offence punishable with transportation or imprisonment;

(c) "certified school" means a school established under sub-section (1) or certified under sub-section (2) of Section 45 of this Act, or any other educational institution certified in this behalf by the Government;

(*d*) "guardian" in relation to a juvenile offender or child includes any person who, in the opinion of the court having cognizance of any proceedings in relation to the juvenile offender or child, or in which the juvenile offender or child is concerned has, for the time being, the actual charge of or control over the juvenile offender or child;

(*e*) "fit person" in relation to the care of any child includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children which undertakes to bring up or to give facilities for bringing up any child entrusted to its care in conformity with the religion of its birth

(*f*) "place of safety" includes any orphanage, hospital, * nursing home or any other suitable place or institution the occupier or manager of which is willing temporarily to receive a child; or, where such orphanage, hospital, * nursing home or other suitable place or institution is not available, in case of a male child only a police station;

(*g*) "brothel" means any house, room or place or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purposes of prostitution;

(*h*) "prescribed" means prescribed by rules under this Act;

(*i*) "Juvenile court" means a separate court established under sub-section (1) of Section 55 of this Act, and includes a court hearing charges against children under sub-section (2) of that section;

(*j*) "caning" means the punishment authorised under the Whipping Act, 1903, and inflicted with a cane less than half an inch in diameter as directed by the Government under Section 392 of the Code of Criminal Procedure, 1904;

(*k*) "Probation Officer" means an officer appointed under Section 29.

Powers of courts.

3. The powers conferred on courts by this Act shall be exercised only by (*a*) the High Court, (*b*) a Court of Session, (*c*) a District Magistrate, (*d*) a Sub-Divisional Magistrate, (*e*) any Magistrate of the First Class, (*f*) any Magistrate of the Second Class specially empowered by the Government to exercise all or any of such powers, (*g*)

any Juvenile Court constituted under Section 55, and may be exercised by such courts whether the case comes before them originally or on appeal or for revision.

Procedure when Magistrate is not empowered to pass an order under this Act.

4. (1) When any Magistrate not empowered to pass an order under this Act is of opinion that a child brought before him is a proper person to be sent to a certified school or to be dealt with in any other manner in which the case may be dealt with under this Act, he shall record such opinion and submit his proceedings and forward the child to the District Magistrate to whom he is subordinate or the Magistrate presiding over the nearest Juvenile Court having jurisdiction in the case.

(2) The District Magistrate or the Magistrate presiding over the Juvenile Court to whom the proceedings are so submitted may make such further inquiry, if any, as he may think fit, and may pass such order dealing with the case as he might have passed if the child had originally been brought before or tried by him.

PART II.

MEASURES FOR THE CUSTODY AND PROTECTION OF CHILDREN WHO ARE DESTITUTES, ETC.

Children found homeless, destitute, e

5. (1) Any police officer or other person authorised in this behalf in accordance with rules made by the Government may bring before a court any person who, in his opinion, is a child and who—

(*a*) has no home, settled place of abode or visible means of subsistence, or has no parent or guardian who exercises regular and proper guardianship, or

(*b*) is found destitute and his parents or surviving parent or other guardian, or, in the case of an illegitimate child, his mother or other guardian, are or is, as the case may be, undergoing transportation or imprisonment, or

(*c*) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of such person, or

(*d*) frequents the company of any reputed thief or prostitute, or

(*e*) is lodging or residing in or frequenting a house used by a prostitute for the purgoses of prostitution, or

(*f*) is otherwise likely to fall into bad association or to be exposed to moral danger or to enter upon a life of crime:

Provided that when any such child has a parent or guardian who has the actual charge or control over the child, the police officer or other person as aforesaid shall, in the first instance, make a report to the nearest court or magistrate having jurisdiction under this Act. Such court or magistrate may call upon such parent or guardian to show cause why the said child should not, during the pendency of the proceedings, be removed from his care, and may, on suitable sureties being offered for the safety of such child and for his being brought before the court, permit the child to remain in the actual charge or control of his parents or guardian, or may order his removal till the court passes orders under this Act.

(2) The court before which a child is brought as coming within one of these descriptions shall examine the information and record the substance of such examination, and shall, if it thinks that there are sufficient grounds for inquiring further, fix a date for such inquiry.

(3) On the date fixed for the production of the child or for the inquiry, or on any subsequent date to which the proceedings may be adjourned, the court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order sending the child to a certified school should not be passed, and make any further inquiry it thinks fit.

(4) If the court is satisfied on the inquiry that such person is a child and is as described within the provisions of sub-section (1) and that it is expedient so to deal with him, the court may order him to be sent to a certified school or may order him in the prescribed manner to be committed to the care of a relative or other fit person named by the court, such relative or other person being willing to undertake such care until such child attains the age of eighteen years or for any shorter period.

(5) The court which makes an order committing a child to the care of a relative or other fit person may, when making such order, require such relative or other person to execute a bond, with or without sureties, as the court may require, to be responsible for the good behaviour of the child and for the observance of such other conditions as the court may impose for securing that the child may lead an honest and industrious life.

(6) The court which makes an order committing a child to the care of a relative or other fit person under this section may, in addition, order that he be placed under the supervision of a probation officer or other person named by the court:

Provided that, when the magistrate thinks fit he may allow such child to remain in the custody of a parent or guardian with a direction that he be placed under the supervision of a probation officer or other person named by the court on such parent or guardian giving an undertaking with or without sureties in a prescribed form to the court, and the court may from time to time adjourn the inquiry and compel the production of the child in court to satisfy it that the said undertaking is being carried out.

6. Where the parent or guardian of a child proves to a court that he is unable to control the child and that he desires the child to be sent to a certified school, the court, if satisfied on enquiry that it is expedient so to deal with the child and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

PART III.

OFFENCES AGAINST CHILDREN AND THEIR PREVENTION.

7. (1) Whoever having the actual charge of or control over a child abandons, exposes or wilfully neglects or ill-treats such child in a manner likely to cause such child unnecessary suffering or injury to his health, shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) For the purposes of this section, injury to health includes injury to, or loss of, sight or hearing and injury to limb or organ of the body and any mental derangement, and a parent or other person legally liable to maintain a child shall be deemed to have neglected him in a manner likely to cause injury to his health if he wilfully fails to provide adequate food, clothing, medical aid or lodging for the child.

(3) A person may be convicted of an offence under this section notwithstanding the actual suffering or injury to health obviated by the action of another person.

(4) Nothing in this section shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child.

Causing or allowing child to beg.

8. (1) Whoever for his own profit causes any child or, having the actual charge of or control over a child, allows that child to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms, shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

(2) The Government may by notification in the official Gazette, exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

Penalty for being drunk while in charge of a child.

9. If any person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, while having the charge of a child apparently under the age of seven years, and if such person is incapable, by reason of his drunkenness, of taking due care of the child, he may be arrested and shall, if the child is under that age, be punishable with fine which may extend to fifty rupees.

Presumption as to age of child

Explanation.—For the purposes of this section, a child shall be deemed to be under the age of seven if it appears to the court to be under that age unless the contrary is proved.

Penalty for giving intoxicating liquor to a child.

10. Whoever in any highway or other public place, whether a building or not, or on any licensed premises gives, or causes to be given, to any child any intoxicating liquor except upon the order of a duly qualified medical practitioner, or in case of sickness or other urgent cause, shall be punishable with fine which may extend to fifty rupees.

Seizure by police officer of any bidis, cigarettes, tobacco or smoking mixture in possession of a child.

11. It shall be the duty of a police officer to seize any bidis, cigarettes, tobacco or smoking mixture in the possession of a child whom he finds smoking in any street or public place, and any bidis, cigarettes, tobacco or smoking mixture so seized shall be forfeited to Government, and every such police officer shall be authorised to search any boy so found smoking but not a girl.

Penalty for inciting a child to bet or borrow.

12. Whoever, by words either spoken or written or by signs, or otherwise, incites or attempts to incite a child to make any bet or wager or to enter into or take any

share or interest in any betting or wagering transaction or so incites or attempts to incite a child to borrow money or to enter into any transaction involving the borrowing of money, shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Penalty for taking pawn from a child.

13. Whoever takes an article in pawn from a child, whether offered by that * child on his own behalf or on behalf of any other person, shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Allowing child to be in brothel.

14. Whoever, having the actual charge of, or control over, a child between the ages of four and sixteen, allows that child to reside in or frequent a brothel, shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Causing or encouraging seduction, etc., of young girl.

15. (1) Whoever, having the actual charge of or control over, a girl under the age of sixteen years, causes or encourages seduction or prostitution of that girl or causes or encourages any one other than her husband to have sexual intercourse with her, shall be punishable with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

(2) For the purposes of this section, a person shall be deemed to have caused or encouraged the seduction or prostitution of, or the unlawful sexual intercourse, with a girl who has been seduced or become a prostitute or with whom such sexual intercourse has been had, if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of any prostitute or person of known immoral character.

Young girls exposed to risk of seduction, etc., or cruelly treated.

16. If it appears to a court on the complaint of any person that a girl under the age of sixteen is being treated with cruelty by her parent or guardian or that such girl with the knowledge of her parent or guardian is exposed to the risk of seduction or prostitution, or living a life of prostitution, the court may direct the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of such girl.

Detention of child in a place of safety.

17. (1) Any police officer not below the rank of Sub-Inspector, or a police officer or a person authorised in this behalf in accordance with rules made by the Government

may take to a place of safety any child in respect of whom an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, as in force in Mysore, has been, or there is reason to believe has been committed.

(2) A child so taken to a place of safety and also any child who seeks refuge in a place of safety may there be detained until he can be brought before the court, but such detention shall not, in the absence of a special order of the court, exceed a period of twenty-four hours exclusive of the time necessary for the journey from the place of detention to the court, and the court may make such order as is mentioned in the next following sub-section, or may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child has been determined by the conviction, discharge or acquittal of such person.

(3) Where it appears to the Court that an offence as aforesaid has been committed in respect of any child who is brought before the Court and that it is expedient in the interests of the child that an order should be made under this sub-section, the Court may make such order as circumstances may admit and require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against some person for having committed the offence and, if a charge is made against any person within that time, until the charge had been determined by the conviction, discharge or acquittal of that person and, in case of conviction, for such further time not exceeding one month as the Court which convicted may direct, and any such order may be carried out notwithstanding that any person claims the custody of the child.

18. (1) Where any person having the actual charge of or control over a child has been—

(*a*) convicted of committing in respect of such child an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, as in force in Mysore; or

(*b*) committed for trial for and such offence; or

(*c*) bound over to keep the peace towards such child by any Court,

that Court may, either at the time when the person is so convicted, committed for trial or bound over or at any other time order that the child be taken out of the charge and control of the person so convicted, committed for trial or bound over and be committed to the care of a relative of the child or other fit person named by the Court (such relative or other person being willing to undertake such care) until he attains the age of eighteen years or for any shorter period, and that Court or any Court of like jurisdiction may, of its own motion, or on the application of any person, from time to time by order renew, vary and revoke any such order.

(2) The Court which makes an order committing a child to the care of a relative or other fit person under this section may require such relative or other person to execute a bond, with or without sureties, to be responsible for the good behaviour of the child and for the observance of such other conditions as the Court may impose for securing that the child may lead an honest and industrious life and, in addition, order that the child be placed under the supervision of a probation officer or other person named by the Court.

(3) If the child has a parent or guardian, no order shall be made under this section unless—

(i) the parent or legal guardian has been convicted of or committed for trial for the offence or has been bound over to keep the peace towards the child or cannot be found; or

(ii) the Court has reason to believe that the parent or legal guardian has either been party or privy to the offence or has by any act or omission facilitated the offence, or is otherwise unfit to have the care of the child:

Provided that, if the Court thinks fit, it may, on such parent or guardian giving an undertaking with or without sureties in a prescribed form to the Court, allow such child to remain in the custody of such parent or legal guardian subject to the supervision of a probation officer or other person named by the Court.

(4) Every order under this section shall be in writing, and any such order may be made by the Court in the absence of the child and the consent of any person to undertake the care of the child in pursuance of any such order shall be taken in such manner as the Court may think sufficient to bind him.

(5) Where an order is made under this section and he conviction or order binding the person to keep the eace is set aside or the person is acquitted, the order hall forthwith be void except with regard to anything hat may have been lawfully done under it.

(6) The Court may, instead of ordering the child o be committed to the care of a relative or other fit person, order that the child shall be sent to a certified school.

15. (1) If it appears to a magistrate duly empowered under this Act, from information on oath or solemn affirmation laid by any person who in the opinion of the magistrate, is acting in the interests of a child, that there is reasonable cause to suspect that—

(a) the child has been or is being wilfully ill-treated or neglected in any place within its jurisdiction in a manner likely to cause the child unnecessary suffering or to be injurious to his health, or

that an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, as in force in Mysore, has been or is being committed in respect of the child.

the magistrate may issue a summons in the first instance against the person or persons in whose care, custody or control such child is, to produce forthwith the said child in Court, or may issue a warrant authorizing any police officer named therein to search for such child, and, if it is found that he has been or is being wilfully ill-treated or neglected in manner aforesaid or that any offence as aforesaid has been or is being committed in respect of the child, to take him to and detain him in a place of safety until he can be brought before the magistrate, or authorizing any police officer to remove the child with or without search, to a place of safety and detain him there until he can be brought before the magistrate; and the magistrate before whom the child is brought may commit him to the care of a relative or other fit person in like manner as if the person in whose charge or control he was had been committed for trial for an offence punishable under this Act:

Provided that, if the said child is in the custody or control of a parent or guardian who, being a female, does

not, according to the customs and manners of the country, appear in public, the magistrate shall ordinarily issue a summons, and the person to whom such summons is issued shall be deemed to have complied with the summons if instead of personally attending in court she causes the said child to be produced in court.

(2) A magistrate issuing a warrant under this section may, in his discretion by the same warrant, direct that any person accused of any offence in respect of the child be apprehended and brought before him or, direct that, if such person executes a bond with sufficient sureties for his attendance before the magistrate at a specified time and thereafter until otherwise directed by the magistrate, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

The police officer executing the warrant shall be accompanied by the person laying the information if such person so desires, and may also, if the magistrate by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(4) In any information or warrant under this section, the name of the child shall be given if known.

20. (1) If, in any case in which an information has been laid by any person under the provisions of section 19, the magistrate, after such inquiry as he may deem necessary, is of opinion that such information was false and either frivolous or vexatious, the magistrate may, for reasons to be recorded in writing, direct that compensation to such an amount not exceeding one hundred rupees as he may determine be paid by such informer to the person against whom the information was laid.

(2) Before making any order for the payment of compensation, the magistrate shall call upon the informer to show cause why he should not pay compensation and shall consider any cause which such informer may show.

(3) The magistrate may by the order directing payment of the compensation further order that in default of payment the person ordered to pay such compensation shall suffer simple imprisonment for a period of thirty days.

(4) When any person is imprisoned under sub-section (3), the provisions of sections 68 and 69 of the Indian Penal Code, as in force in Mysore, shall, so far as

(5) No person who has been directed to pay compensation under this section shall by reason of such order be exempted from any civil or criminal liability in respect of the information given by him, but any amount paid as compensation shall be taken into account in any subsequent civil suits relating to such matter.

(6) An informer who has been ordered to pay compensation exceeding fifty rupees may appeal from the order as if such informer had been convicted on a trial held by the magistrate directing the payment of compensation.

(7) When [illegible] of compensation is made in a case which is subject to appeal under sub-section (6), the compensation shall not be paid to the person ordered to receive it before the period allowed for the presentation of the appeal has elapsed or, if an appeal is presented, before the appeal has been decided; and where such order is made in a case which is not subject to appeal, the compensation shall not be paid before the expiration of one month from the date of the order.

PART IV.

JUVENILE OFFENDERS.

21. Where the person apparently under the age of sixteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of the police station to which such person is brought may in any case, and shall unless the charge is one of culpable homicide or any other offence punishable with death or transportation, release him on bail if sufficient security is forthcoming unless for reasons to be recorded in writing the officer believes that such release would bring him into association with any reputed criminal:

Provided that, when any girl apparently under the age of sixteen years is arrested, the officer in charge of a police station who has made the arrest or before whom the girl is produced shall release her at once if any person who in his opinion is a sufficient surety enters into a bond for such sum of money as the officer considers sufficient to produce her before the court and to appear in her stead if required at the police station.

22. Where a person apparently under the age of sixteen years having been arrested is not released under section 21 or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner until he can be brought before a court.

23. A court, on remanding or committing for trial a child who is not released on bail, shall order him to be detained in the prescribed manner.

24. (1) Where a child is charged with any offence or is brought before a court on an application for an order to send him to a certified school, his parent or guardian may in any case, and shall, if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where the child is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child, if he can be found, to be warned to attend at the court before which the child will appear.

(3) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual charge of or control over the child:

Provided that if such parent or guardian is not the father, the attendance of the father may also be required.

(4) The attendance of the parent of a child shall not be required under this section in any case where the child was before the institution of the proceedings removed from the custody or charge o fhis parent by an order of a court.

(5) Nothing in this section shall be deemed to require the attendance of the mother or the female guardian of a child if such mother or female guardian does not according to the customs and manners of the country appear in public, but any such mother or female guardian may appear before the court by a pleader or agent.

Sentences that may not be passed on child.

25. Notwithstanding anything to the contrary contained in any law, no child shall be sentenced to death or transportation or committed to prison:

Provided that a child who is fourteen years of age or upwards may be committed to prison where the court

certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a certified school and that none of other methods in which the case may legally be dealt with is suitable.

No proceedings under Chapter VIII of Criminal Procedure Code against a child.

26. Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1904, no proceedings shall be instituted and no order shall be passed against a child under Chapter VIII of the said Code.

Commitment of child to a certified school.

27. (1) Where a child is found to have committed an offence punishable with transportation or imprisonment, the court, if satisfied on enquiry that it is expedient so to deal with the child, may order him to be sent to a certified school.

(2) Where prior to the commencement of this Act a juvenile offender has been sentenced to transportation or imprisonment, the Government may direct that in lieu of undergoing or completing such sentence he shall, if under the age of fourteen years, be sent to a certified school; and thereupon the offender shall be subject to all the provision of this Act as if he had been originally sentenced to detention in such school.

Power to discharge juvenile offender or to commit him to suitable custody.

28. (1) A court may, if it shall think fit, instead of directing any juvenile offender to be detained in a certified school, order him to be—

(*a*) discharged after due admonition, or

(*b*) released on probation of good conduct and committed to the care of his parent or guardian or other adult relative or other fit person, on such parent, guardian, relative or person executing a bond, with or without sureties, as the court may require, to be responsible for the good behaviour of the juvenile offender for any period not exceeding three years and for the observance of such other conditions as the court may impose for securing that the juvenile offender may lead an honest and industrious life. The court may order that the juvenile offender released under this clause be placed under the supervision of a probation officer.

(2) If it appears to the court, on receiving a report from the probation officer or otherwise, that the offender

has not been of good behaviour during the period of his probation, it may after making such enquiry as it deems fit, order the offender to be detained in a certified school.

29. (1) A probation officer shall be—

(*a*) any person appointed to be a probation officer by the Government, or

(*b*) any person appointed for this purpose by a society recognised in this behalf by the Government, or

(*c*) when there is no person appointed under clause (*a*) or (*b*), any other person appointed from time to time by the court for any particular case subject to general or special orders of the Government.

(2) A probation officer, in the exercise of his duties under any supervision order, shall be subject to the control of the District Magistrate of the district in which the court which passes any order under this Act in respect of the child is situate.

Duties of probation officers.

30. A probation officer shall, subject to the rules made under this Act and to the directions of the court—

(*a*) visit or receive visits from the child or the juvenile offender at such reasonable intervals as may be specified in the order passed by the court or subject thereto, as the probation officer may think fit;

(*b*) see that the relative of the child or the juvenile offender, as the case may be, or other person to whose care such child or juvenile offender is committed, observes the conditions of the bond;

(*c*) report to the court as to the behaviour of the child or the juvenile offender, as the case may be;

(*d*) advise, assist and befriend the child or the juvenile offender and when and where necessary, endeavour to find him suitable employment; and

(*e*) perform any other duty which may be prescribed.

Power to order parent to pay fine, etc., instead of child.

31. (1) Where a child is found to have committed an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall if the child is under fourteen years of age, order that the fine be paid by the parent or guardian of the child, unless the court is

satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so; but save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

(4) A parent or guardian may appeal against any such order as if it had been an order passed in proceedings against himself.

Detention in the case of certain crimes committed by children.

32. (1) When a child is found to have committed an offence of so serious a nature that the court is of opinion that no punishment which, under the provisions of this Act, it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

(2) Notwithstanding the provisions of section 25, the Government may order any such child to be detained in such place and on such conditions as it thinks fit and while so detained the child shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child could have been sentenced for the offence committed.

Methods of dealing with children charged with offences.

33. (1) Where a child charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether—

(*a*) by discharging the offender after due admonition; or

(*b*) by committing the offender to the care of his parent, guardian, other adult relative, or other fit person, on such parent, guardian, relative or person executing a bond to be responsible for his good behaviour; or

(*c*) by so discharging the offender and placing him under the supervision of a person named by the court; or

(*d*) by releasing the offender on probation of good conduct; or

(*e*) by sending the offender to a certified school; or

(*f*) by sentencing the offender to caning, administered by way of cuts not exceeding six on each hand in cases where the conduct of the offender has been such as to lead the court to believe that no other punishment would be effective; or

(*g*) by ordering the offender to pay a fine; or

(*h*) by ordering the parent or guardian of the offender to pay a fine; or

(*i*) where the offender is a child of fourteen years of age or upwards, by sentencing him to imprisonment; or

(*j*) by dealing with the case in any other manner in which it may legally be dealt with:

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

(2) Where a child is charged with an offence punishable with fine only, and is dealt with under clause (*g*) of sub-section (1), the court may in default of payment of fine order the offender to be sent to a certified school for a period not exceeding three years.

Investigation of character and circumstances.

34. For the purpose of determining the sentence or order which a court ought to pass or make under this part against any person tried by or brought before it, the court shall, after recording its finding on the facts of the case, have regard to the character of the person and the circumstances in which he is living as disclosed by the facts of the case or, on further inquiry, by any other evidence or information.

PART V.

PROHIBITION OF PUBLICATION OF NAMES, ADDRESSES OR OTHER DETAILS CONCERNING CHILDREN INVOLVED IN OFFENCES.

Penalty for publishing names and addresses of children involved in offences.

35. (1) No report in any newspaper or news sheet of any offence by or against a child or of any proceedings in any court relating to such offence shall disclose the name, address or school, or include any particulars calculated to lead to the indentification of any such child, nor shall any picture be published as being or including a picture of any such child.

(2) Any person who publishes any report or picture in contravention of the provisions of this section shall be punishable with imprisonment of either description for a term not exceeding two months or with fine or with both.

PART VI.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO CERTIFIED SCHOOLS OR COMMITTED TO THE CARE OF RELATIVES OR OTHER FIT PERSONS.

Contribution of parent.

36. (1) The court which makes an order for the detention of a child or * Juvenile offender in a certified school or for the committal of a child or Juvenile offender, to the care of a relative or other fit person may make an order on the parent or other person liable to maintain the child, or * Juvenile offender to contribute to his maintenance, if able to do so, in the prescribed manner.

(2) The court before making any order under subsection (1) shall inquire into the circumstances of the parent or other person liable to maintain the child or * Juvenile offender and shall record the evidence, if any, in the presence of the parent or such other person as the case may be or, when his personal attendance is dispensed with, in the presence of his pleader.

(3) Any order made under this section may from time to time be varied by the court.

(4) The persons liable to maintain a child or * Juvenile offender shall for the purpose of subsection (1) include, in the case of illegitimacy his putative father:

Provided that where the child, or Juvenile offender is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1904, the court shall not ordinarily make an order for contribution against the putative father, but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them, as the case may be, towards the maintenance of the child or * Juvenile offender.

(5) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1904.

37. The managers of a certified school to which a child under the age of eight years is sent may, with the consent of the Chief Inspector, board the child out with any suitable person until the child reaches the age of ten years and thereafter for such longer period, with the consent of the Chief Inspector, as the managers consider to be advisable in the interest of the child, subject to the exercise by the managers of such powers as to supervision, recall, and otherwise as may be prescribed; and where a child is so boarded out he shall nevertheless be deemed for the purposes of this Act to be a child detained in the school, and the provisions of this Act shall apply accordingly, subject to such necessary adaptations as may be made by the Government.

38. (1) Where a child or * Juvenile offender is detained in a certified school, the managers of the school may at any time, with the consent of the Chief Inspector, by licence permit the child or juvenile offender on the conditions prescribed in this behalf to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him with a view to educate him or train for some useful trade or callin

(2) Subject to the prescribed conditions, the Chief Inspector may, on the recommendation of the visitors or managers of a certified school, at any time after the expiration of six months from the commencement of the detention of a juvenile offender in a certified school, and if satisfied that there is a reasonable probability that the juvenile offender will abstain from crime and lead a useful and industrious life, release such offender from the school and grant him a written licence in the prescribed form

and on the prescribed conditions, permitting him to live under the supervision and authority of such responsible person or society approved by the Chief Inspector as may be willing to take charge of the offender.

(3) Any licence granted under sub-section (1) or (2) shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

(4) The managers of the school or the Chief Inspector, as the case may be, may at any time by order in writing revoke any such licence, and order the child or juvenile offender to return to the school and shall do so at the desire of the person or society with whom or under whose supervision the child or juvenile offender is licensed to live. If the child or juvenile offender refuses or fails to return to the school, the managers of the school or the Chief Inspector, as the case may be, may, if necessary, arrest or cause to be arrested, the child or juvenile offender and take him or cause him to be taken to the school.

(5) When a licence has been revoked or forfeited and the child or juvenile offender refuses or fails to return to the school, the court may, if satisfied by information on oath or solemn affirmation that there is reasonable ground for believing that his parent or guardian could produce the child or juvenile offender, issue a summons requiring the parent or guardian to attend at the court on such a day as may be specified in the summons and to produce the child or juvenile offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be punished with a fine which may extend to fifty rupees.

(6) Where a parent or guardian is directed to pay fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

(7) The time during which a child or juvenile offender is absent from a certified school in pursuance of a licence under this section shall be deemed to be part of the time of his detention in the school: provided that where a child or juvenile offender has failed to return to the school on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

39. Whoever—

Penalty for abetting escape of juvenile offender or child.

(a) knowingly assists or induces, directly or indirectly, a child or juvenile offender detained in or placed out on licence from a certified school or escape from the school or from any person with whom he is placed out on licence, or any child to escape from the person to whose care he is committed under the provisions of this Act;

(b) knowingly harbours, conceals, or prevents from returning to school or to any person with whom he is placed out on licence or to whose care he is committed under this Act, a child, or juvenile offender, who has so escaped, or knowingly assists in so doing—

shall be punishable with imprisonment of either description for a term which may extend to two months or with fine which may extend to two hundred rupees, or with both.

40. The period for which a child or juvenile offender is to be detained in a certified school shall be specified in the order in pursuance of which he is sent there, and shall be such period not being less than two years in the case of a juvenile offender who at the date of the order is over the age of fifteen years and three years in the case of other juvenile offenders as to the court may seem proper of his teaching and training, but not in any case extending beyond the time when he will, in the opinion of the court, attain the age of eighteen years.

41. (1) The Government may at any time order a child or juvenile offender to be discharged from a certified school, either absolutely or on such conditions as the Government approves.

(2) The Government may order a juvenile offender over the age of sixteen years detained in a certified school to be transferred to a Borstal School established under the Mysore Borstal Schools Act, in the interest of discipline or for other special reasons:

Provided that the whole period of the detention of the child or juvenile offender shall not be increased by the transfer.

(3) Upon the transfer of a juvenile offender to a Borstal School under sub-section (2), the provisions of the the Mysore Borstal Schools Act shall apply to such offender as if he had been originally ordered to be detained in a Borstal School under that Act.

The Government may at any time in its discretion discharge a child from the care of any person to whose care he is committed under this Act, either absolutely or on such conditions as the Government approves, and may, if it thinks fit, make rules in relation to children so committed to the care of any person and to the duties of such person with respect to such children.

Transfer from one certified school to another.

42. The Chief Inspector may direct any child or juvenile offender to be transferred from one certified school to another :

Provided that the total period of detention of the child or juvenile offender shall not be increased by such transfer.

PART VII.

CERTIFIED SCHOOLS AND OTHER INSTITUTIONS.

Establishment and certification of schools.

43. (1) The Government may establish and maintain schools for the reception of children and juvenile offenders.

(2) The Government may certify that any school or other educational institution not established under sub-section (1) is fit for the reception of childern or juvenile offenders.

Management of schools.

44. (1) For the control and management of every school established under sub-section (1) of section 43, a superintendent and a committee of visitors shall be appointed by the Government, and such superintendent and committee shall be deemed to be the managers of the school for the purposes of this Act.

(2) Every school certified under sub-section (2) of section 43 shall be under the management of a governing body who shall be deemed to be the managers of the school for the purposes of this Act.

Inspection of schools.

45. (1) The Government may appoint a chief inspector of certified schools and such number of inspectors and assistant inspectors as it thinks advisable to assist the chief inspector and every person so appointed to assist the chief inspector shall have such of the powers and duties of the chief inspector as the Government directs but shall act under the direction of the chief inspector

(2) Every certified school shall, at least once in every six months, be inspected by the chief inspector of certified schools, or by an inspector or assistant inspector: provided that where any such school is for the reception of girls only and such inspection is not made by the Chief Inspector, the inspection shall, where practicable, be conducted by a woman.

Power of Inspectors.

46. A certified school shall be liable to inspection at all times and in all its departments by the Chief Inspector or inspector or assistant inspector.

Medical inspection.

47. Any registered medical practitioner empowered in this behalf by the Government may visit any certified school at any time with or without notice to its managers in order to report to the Chief Inspector on the health of the inmates and the sanitary condition of the school.

Power of Government to withdraw certificate.

48. The Government, if dissatisfied with the condition, rules, management, or superintendence of a certified school, may at any time by notice served to the managers of the school, declare that the certificate of the school is withdrawn as from a time specified in the notice, and at that time the withdrawal of the certificate shall take effect and the school shall cease to be a certified school:

Provided that the Government may, if it thinks fit, instead of so withdrawing the certificate, by notice served on the managers of the school, prohibit the admission of children or juvenile offenders to the school for such time as may be specified in the notice or until the notice is revoked:

Provided also that, before the issue of notice under this section or under the first proviso thereto, a reasonable opportunity shall be given to the managers of the school to show cause why the certificate shall not be withdrawn or admission to the school shall not be prohibited, as the case may be.

Registration of certificate by managers

49. The managers of a certified school may, on giving six months' notice in writing to the Government through the Chief Inspector of their intention so to do, resign the certificates of the school, and accordingly at the expiration of six months from the date of the notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect, and the school shall cease to be a certified school.

Effect of withdrawal or registration of certificate.

50. A child or juvenile offender shall not be received into a certified school in pursuance of this Act after the date of the receipt by the managers of the school of a

notice of withdrawal of the certificate or after the date of a notice of resignation of the certificate; but the obligation hereinafter mentioned of the managers to teach, train, lodge, clothe and feed any children or juvenile offenders detained in the school at the respective dates aforesaid shall, except so for as the Government otherwise directs, continue until the withdrawal or resignation of the certificate takes effect.

Disposal of inmates on withdrawal of registration certificate.

51. When a school ceases to be a certified school, the children or juvenile offenders detained therein shall be either discharged absolutely or on such conditions as Government may impose or transferred by order of the Government to some other certified school in accordance with the provisions of this Act relating to discharge and transfer.

Auxiliary homes.

52. The Government may establish auxiliary homes for reception of any inmates or any classes of inmates of certified schools or may certify any other such home heretofore established or which hereafter may be established by any other agency, and the certificates may be withdrawn or resigned in like manner as a certificate of a school, and every such home shall, for such purposes as are specified by the Government, be treated as part of the certified school or school to which it is attached.

53. The managers of a certified school not established by the Government may decline to receive any child or juvenile offender, proposed to be sent to them in pursuance of this Act, but when they have once accepted any such child or juvenile offender, they shall be deemed to have undertaken to teach, train, lodge, clothe and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school.

Inspection of institutions for reception of poor children.

54. (1) The Government may cause any institution for the reception of poor children supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of any department of the Government, to be visited and inspected from time to time at all reasonable hours, by persons appointed by it for the purpose of securing the health and welfare of the children and the sanitation of the premises.

(2) Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all registers, relating thereto for the aforesaid purposes. Any person who

obstructs him in the execution of his duties shall be liable on conviction to a fine not exceeding fifty rupees.

(3) Where any such institution is carried on in accordance with the principles of any particular religious denomination the Government shall, if so desired by the managers of the institutions, appoint, where practicable, a person of that denomination to visit and inspect the institutions.

(4) Where any such institution is for the reception of girls only, the inspection shall, where practicable, be conducted by a woman.

PART VIII.

JUVENILE COURTS.

Juvenile Courts.

55. (1) The Government may provide for the establishment in any area of one or more separate courts for the conduct of proceedings under this Act at which the attendance of the child is required:

Provided that, where a child is accused of an offence triable jointly with any other person not being a child, nothing in this sub-section shall affect or be deemed to affect the powers of the court to try such other person under any other law for the time being in force.

(2) Where no such separate court has been established, the court before which a child is brought shall, unless the child is tried jointly with any other person not being a child, whenever practicable sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART IX.

MISCELLANEOUS.

Provision as to religion.

56. (1) In determining the certified school which a child or juvenile offender is to be sent under this Act, the court shall ascertain the religious denomination of the child or juvenile offender and shall, if possible, select a school in which facilities are afforded for instruction in his religion.

(2) In determining the person to whose care a child shall be committed under this Act, the Court shall ascertain the religious denomination of the child, and shall, if possible, select a person of the same religious denomination or a person who gives such undertaking as seems to the court sufficient that the child will be brought up in accordance with the religion of the child and such religion shall be specified in the order.

(3) In any case where a child has been committed pursuant to any such order to the care of a person who is not of the religious denomination of the child or who has not given such undertaking as aforesaid, the court which made the order or any court of like jurisdiction shall, on the application of any person in that behalf and on its appearing that a fit person of the religious denomination of the child or who will give such undertaking as aforesaid is willing to undertake the care of the child, make an order committing him to the care of such fit person.

(4) When a child is committed to the care of a certified school in which facilities for instruction in his religion are not afforded or to a person who does not give an undertaking that the child entrusted to him will be brought up in his religion (for want of a certified school or person of the religion of the child), the court shall take an undertaking from such school or such person that the child shall not be brought up in any religion other than his own.

(5) Where a child is boarded out or where a child or juvenile offender is permitted by license to live with any other person, the manager of the school shall select for this purpose a person of the same religion as the child, or juvenile offender, as the case may be, if such person is available, and if no such person is available then a person who gives a satisfactory undertaking that the child or juvenile offender shall be brought up in accordance with the religion of such child, or juvenile offender, and if no such person is available then another person within the provisions of section 37 or 38, as the case may be.

(6) When a child has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child shall be liable to be removed from the care of such person and dealt with according to the provisions of sub-section (3) of this section.

(7) Whenever any person interested in the religion of the child is informed of any attempt at conversion or tampering with his religion, he may apply to the court for an enquiry, and the court on being satisfied may issue an order removing the said child from the custody of such institution or person and hand over the custody to another fit person or institution.

Committal to an approved place of a child suffering from venereal or tubercular disease.

57. When a child who has been brought before a magistrate under any of the provisions of this Act, is found to be suffering from a venereal or tubercular disease, the magistrate, if satisfied that medical treatment is necessary and the child will not otherwise get such treatment, may commit the child to an approved place for such period as he may think necessary, and may from time to time extend the said period.

Removal of disqualification attaching to convictions for offences.

58. When a child is found to have committed any offence, the fact that he has been so found shall not have any effect under Section 75 of the Indian Penal Code, or section 565 of the Code of Criminal Procedure, 1904, or operate as a disqualification for office or election under any law.

Control of custodian over child.

59. Any person to whose care a child is committed under the provisions of this Act shall, while the order is in force, have the like control over the child as if he were his parent, and shall be responsible for his maintenance, and the child shall continue in his care notwithstanding that he is claimed by his parent or any other person.

Bonds taken under the Act.

60. The provisions of Chapter XLII of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this Act.

Appeals.

61. (1) An appeal from an order made by a court under sections 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 18, 22, 36, 38, or 56 shall lie—

(*a*) if passed by a juvenile court, to a District Magistrate

(*b*) if passed by any Magistrate, to the court of Session; and

(*c*) if passed by a Court of Session, to the High Court.

(2) No appeal shall lie from any order passed in any such appeal.

(3) Any order passed under the provisions of this Act and not subject to appeal under sub-section (1) may be revised by the High Court.

Powers to amend orders.

62. Without prejudice to the powers of courts of appeal and revision, any custody order, supervision order or probation order may be amended by the court which made the order, in respect of the person named as custodian, supervisor or probation officer, the period of duration, and such matters of detail as may be prescribed.

Rules.

63. (1) The Government may take rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing, such rules may be made with regard to—

(*a*) the establishment and maintenance of certified schools and auxiliary homes, and the certification of schools as certified schools and of auxiliary homes;

(*b*) the management of certified schools and auxiliary homes;

(*c*) the appointment of visitors and their tenure of office;

(*d*) the inspection of certified schools;

(*e*) the maintenance, education and industrial training of the inmates of certified schools;

(*f*) the conveyance of juvenile offenders and children to certified schools;

(*g*) the grant of permission to the inmates of certified schools to absent themselves for short periods;

(*h*) visits to and communication with the inmates of certified schools;

(*i*) the punishment of offences committed by the inmates of certified schools;

(*j*) the inspection of the institutions referred to in section 54;

(*k*) the manner of detention of children under arrest or remanded or committed for trial;

(*l*) the procedure to be adopted in any case or inquiry under this Act before any court other than a juvenile court;

(*m*) the persons who may be authorised to act under section 5 or 17;

(*n*) the manner in which a child may be committed to the care of relative or other fit person, and the duties of such persons and the supervision of such children;

(*o*) the conditions subject to which a juvenile offender may be released on licence under sub-section (2) of section 38 and the form and conditions of such licence;

(*p*) the manner in which the juvenile offender may be released on probation;

(*q*) matters incidental to the appointment, resignation and removal of probation officers and the remuneration and expenses payable to them;

(*r*) the duties of probation officers;

(*s*) the conditions on which societies may be recognized by the Government for providing probation officers;

(*t*) the contribution by parents and other persons liable to maintain juvenile offenders and children;

(*u*) the boarding out of children and the licensing and supervision of children and juvenile offenders and the submission reports regarding them;

(*v*) the procedure to be adopted in juvenile courts; and

(*w*) the time within which appeals under section 61 shall be filed.

(3) All rules made under this section shall be published in the official Gazette, and on such publication they shall have the same effect as if enacted in this Act.

D. H. Chandrasekharaiah
President
Legislative

3. We think that the Bill has not been so altered as to require republication, and we recommend that it be passed as now amended.

(Sd.) J. MAHOMED IMAM
(*Chairman*).
,, M. SESHADRI.
,, V. V. MONTEIRO,
,, C. NARAYANASWAMY NAIDU.
,, C. LAKSHMANA GOWDA.
,, BELUR SRINIVASA IYENGAR.
,, A. R. BADRI NARAYAN.
,, O. S. NASRULLA SHERIFF.
,, M. MADIAH.

BANGALORE,

Dated 6th March 1943

The following members were not present at the meeting :--

(1) *Rajasevasakta* A. R. Wadia.
(2) Srimati Nagamma Srikantiah.
(3) Deva Rao Shivaram.

[As Amended by the Select Committee]

[Words underlined or side-lined indicate the amendments suggested by the Committee. Omissions are indicated by asterisks.]

THE MYSORE BORSTAL SCHOOLS BILL.

A Bill to provide for the Establishment and Regulation of Borstal Schools in Mysore.

Whereas it is expedient to provide for the establishment and regulation of Borstal Schools in Mysore;

It is hereby enacted as follows :-

PART I.

Preliminary.

Short title.

1. This Act may be called the Mysore Borstal Schools Act.-

Extent and commencement.

2. (1) This Act shall apply to the whole of Mysore

(2) It shall come into operation in any local area in Mysore on such date as the Government may, by notification in the official Gazette, appoint in this behalf.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context—

(a) "Borstal School" means a place in which offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;

(b) "Inspector-General" means the Inspector-General of Prisons and includes any officer appointed by the Government to perform all or any of the duties imposed by this Act on the Inspector-General; and

(c) "Prescribed" means prescribed by rules made under this Act.

(d) "Prohibited Article" means an article, the introduction or removal of which into, or out of, any Borstal Institution is prohibited by any rule under this Act.

4. (1) For the purposes of this Act, the Government may establish one or more Borstal Schools.

(2) For every Borstal School, a Visiting Committee shall be appointed in such manner as may be prescribed.

5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, the Prisons Act, and the Mysore Prisoners Testimony Act, 1894, and the rules framed thereunder shall apply in the case of every Brostal School established under this Act as if it were a prison and the inmates prisoners.

PART II.

COMMITTAL TO BORSTAL SCHOOLS.

When an offender is found guilty of an offence for which he is liable to be sentenced to transportation or imprisonment, or is liable to imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1904, whether any previous conviction is proved against him or not, and it appears to the Court—

(*a*) that the offender is not less than sixteen or, in any district or place in which the Mysore Children Act,—, is not in operation, less than fifteen nor more than twenty-one years of age; and

(*b*) that by reason of his criminal habits or tendencies or association with persons of bad character it is expedient that the offender should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation; it shall be lawful for the court, if empowered in this behalf, to pass, in lieu of a sentence of transportation or imprisonment, or of an order of imprisonment under Section 123 of the Code of Criminal Procedure, 1904, an order for the detention of the offender in a Borstal School for a term, which shall not be less than three years and shall not exceed five years, but in no case extending beyond the date on which the offender will, in the opinion of the court, attain the age of twenty-three years:

Provided that before passing such an order the court shall give an opportunity to the parents or guardians of the said offender to be heard, and shall consider any report or representation which may be made to it as to the

suitability of the case for treatment in a Borstal School, and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid:

Provided further that no person who has been previously detained for the whole period prescribed in an order of detention or who has been transferred to prison under Section 13 of this Act, shall again be ordered to be detained.

Power of Government to exempt.

7. The Government may, by rules made under this Act, direct that any class or classes of persons specified in such rules shall not be ordered to be detained in a Borstal School.

Courts empowered to pass order for detention.

8. The powers conferred on courts by this Act shall be exercised only by the High Court, a Court of Session, a District Magistrate, a Sub-Divisional Magistrate, or a Magistrate of the First Class, and may be exercised by such courts whether the case comes before them originally, or on appeal, or in revision.

Procedure when Magistrate is not empowered to pass an order under this Act.

9. (1) When any Magistrate not empowered to pass an order for detention under this Act is of opinion that an offender who has been found guilty by him or who has failed to furnish the security which the Magistrate has ordered him to furnish under Chapter VIII of the Code of Criminal Procedure, 1904, is a proper person to be detained in a Borstal School, he may without passing any order, record such opinion and submit his proceedings and forward the offender to the District Magistrate to whom he is subordinate.

(2) The District Magistrate to whom the proceedings are so submitted may transfer the proceedings to any Magistrate subordinate to him competent to pass an order under this Act.

(3) The District Magistrate to whom the proceedings are so submitted or any Magistrate to whom the proceedings are so transferred may make such further inquiry (if any) as he may think fit, and may pass such order for the detention of the offender in a Borstal School, or such other sentence or order, as he might have passed if such offender had originally been brought before or tried

10. Any offender detained in a Borstal School for failure to furnish security when ordered to do so under Section 106 or Section 118 of the Code of Criminal Procedure, 1904, shall be released on furnishing such security or on the passing of an order under Section 124 of the said Code.

Limitation of powers conferred b Section 6.

11. The Inspector-General may, if satisfied that a person undergoing transportation or imprisonment in consequence of a sentence passed either before or after the commencement of this Act, being within the limits of age within which persons may be ordered to be detained in a Borstal School under this Act, might with advantage be detained in such school, direct him to be transferred from prison to a Borstal School, there to serve the whole or any part of the unexpired residue of his sentence, and whilst detained in such a school, the provisions of this Act shall apply to such person as if he had been originally ordered to be detained in a Borstal School.

Transfer from prison to Borstal School.

12. (1) Before passing a sentence under Section 6, the court shall enquire into the age of the offender and after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be.

Preliminary enquiry and findings as to age of offender.

(2) A similar enquiry shall be made and finding recorded by every Magistrate not empowered to pass sentence under Section 6 before submitting his proceedings and forwarding of the offender to the District Magistrate as required by Sub-section (1) of Section 9.

13. (1) Where an offender detained in a Borstal School escapes or is reported to the Government by the Inspector-General in consultation with the Visiting Committee to be incorrigible or to exercise a bad influence on the other inmates of the school, the Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Government may determine, but in no case exceeding the shortest of the following three periods :—

Transfer of incorrigibles, etc., to prison.

(*a*) the unexpired residue of the term of detention

or

(*b*) the maximum period of imprisonment provided by law for the offence of which the offender was found guilty or the failure to give security, as the case may be, in consequence of which

the offender was ordered to be detained in a Borstal School;

(c) the maximum period of imprisonment which the court that tried him had authority to award under the Code of Criminal Procedure, 1904.

(2) Such offender may be confined in any prison in Mysore by warrant under the hand of a Secretary to Government, and effect shall be given to such warrant and the sentence of imprisonment passed upon such offender shall be executed in the same manner as if such person had been sentenced by a competent court of criminal jurisdiction.

Government to determine the Borstal School in which a person shall be detained.

14. (1) Every offender ordered to be detained in a Borstal School shall be detained in such Borstal School as the Government may, by general or special order, or in the prescribed manner, appoint for the reception of persons so ordered to be detained:

Provided that if accommodation in a Borstal School is not immediately available for such offender, he may be detained in a special ward, or such other suitable part of a prison as the Government may direct, until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal School.

Transfer from one school to another.

(2) The Inspector-General may order the transfer of any offender from any one Borstal School to any other Borstal School, provided that the whole period of his detention in a Borstal School shall not be increased by such transfer.

PART III.

RELEASE ON LICENSE.

Power to release on license.

15. (1) Subject to the prescribed conditions, the Inspector-General may, on the recommendation of the Visiting Committee, at any time after the expiration of six months from the commencement of the detention of an offender in a Borstal School, if he is satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, discharge him from the Borstal School and grant him a

prescribed conditions permitting him to live under the supervision and authority or such—

(*a*) officer of Government,
(*b*) secular institution,
(*c*) religious society, or
(*d*) responsible person,

as may be approved by the Inspectorr-General and willing to take charge of the offender.

(2) A license under this section shall be in force until the expiry of the term for which the offender was ordered to be detained in a Borstal School, unless sooner revoked.

(3) The period during which an offender is absent from a Borstal School during the continuance of a license granted to him under this section shall, for the purposes of computing his term of detention in such school, be deemed to be part of that detention.

Revocation of license.

16. (1) Subject to the prescribed conditions, the Inspector-General may at any time, and shall, at the request of the institution, society or person under whose supervision and authority the offender has by license been permitted to live, revoke a license granted under Section 15, and upon such revocation the offender shall be detained in a Borstal School until the expiry of the term for which he was ordered to be detained in such school.

(2) If an offender removes himself from the supervision of the institution, society or person under which he was by license permitted to live, his license shall be deemed to have been revoked from the date on which he has so removed himself.

Subsequent supervision.

17. (1) When the Inspector-General and the Visiting Committee report that the conduct of any offender detained in a Borstal School has been such that it is expedient that he shall remain under supervision for a further period after the end of the term of detention, the Government may direct that he shall, on the expiration of the term of his detention, remain for a further period not exceeding one year under the supervision of such authority, society or person as the Inspector-General, subject to the rules made under this Act, may direct.

(2) The Government may also direct that any offender who is under supervision in accordance with subsection (1) shall again be detained in a Borstal School for such period as it may think fit, provided that the total

period of detention under this section shall not exceed one year.

Period of detention.

18. No person shall be detained in a Borstal School after he has, in the opinion of the Government, attained the age of twenty-three years, or, if in any particular case the Government so directs, after he has attained the age of twenty-five years.

Arrest of offender escaping from Borstal School, or escaping from supervision

19. Any offender who, in contravention of the provisions of this Act, has escaped from a Borstal School, or has escaped from the supervision of any authority, institution, society or person under whose supervision he has been directed to remain, or has been permitted to live by license under Section 15, may be arrested by any officer of Police without warrant and without the order of a Magistrate and sent back to the Borstal School or to such authority, institution, society or person, as the case may be, and his license shall be forfeited with effect from the date of his escape.

PART IV.

Control and Management of Borstal Schools.

Management of Borstal Schools.

20. Subject to the orders of the Inspector-Genera and subject also to the rules made by the Government the control and management of every Borstal School shal vest in a Superintendent appointed by the Government.

Constitution, powers and duties of Visiting Committee

21. (1) (*a*) Every Visiting Committee appointe under sub-section (2) of Section 4 shall consist of th Sessions Judge, the District Magistrate, the Distric Educational Officer of the District in which the schoc is situated, and four non-official members appointed by the Government.

(*b*) The non-official members shall hold office for a period of two years, but shall be eligible for re-appointment on the expiry of that period.

(2) It shall be the duty of the Visiting Committee and its members—

(*a*) to visit the school either individually or collectively on such occasions as may be fixed by the rules made under this Act in that behalf for the purpose of ensuring that the provisions of this Act are duly given effect to

(*b*) to make such suggestions for the improvement of the training therein as are considered necessary and to report to the Government or to the Inspector-General from time to time any matter, which in their opinion, should receive attention and annually on the progress of the school;

(*c*) to interview the inmates immediately after their arrival and to make suggestions, if any, as to the special training which each should receive;

(*d*) to consider cases of release on license under sub-section (1) of Section 15 placed before them by the Superintendent; and

(*e*) to consider such action as may be necessary in regard to the inmates whose term of detention is about to expire.

(3) Subject to such rules as may be made in that behalf by the Government, every member of the Committee shall be entitled to call for information from the Superintendent, to examine the records of the school, and to take such other action as he deems necessary for the due discharge of his duties.

22. (1) The inmates of a Borstal School shall be divided by the Superintendent according to their industry and good conduct into four grades, namely—

(*a*) the penal grade,
(*b*) the ordinary grade,
(*c*) the star grade,
(*d*) the special star grade

(2) The privileges of each grade shall be higher than those of the grade preceding, if any.

(3) Every inmate shall, on reception in a Borstal School, be placed in the ordinary grade.

(4) The Superintendent may promote or reduce any inmate from one grade to another in accordance with the provisions of sub-section (5), the rules made under this Act, and the general instructions of the Visiting Committee.

(5) Promotions and reductions shall be regulated by close personal observation of the inmates, and shall depend specially on their general behaviour, amenability

to discipline and attention to instruction, both literary and industrial.

Punishments for offences.

23. (1) The punishments which may be inflicted on an inmate of a Borstal School for offences specified in the Prisons Act, ...and the rules made thereunder shall be in the following forms and in no other :—

(i) formal warning,
(ii) extra drill,
(iii) deprivation of any of the privileges of the grade,
(iv) reduction in grade.

(v) penal diet, *i.e.*, restriction of diet in such manner and subject to such conditions as may be prescribed.

(2) No punishment shall be awarded to any inmate by any official of the school except by the Superintendent or in his absence the official exercising his functions.

24. Whoever, contrary to any rule under Section 27, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any Borstal Institution, or supplies or attempts to supply to any inmate outside the limits of such institution any prohibited articles, and every officer of a Borstal Institution who, contrary to such rule, knowingly suffers any such articles to be introduced into or removed from any Borstal Institution to be possessed by any inmate, or to be supplied to any inmate outside the limits of a Borstal Institution, and whoever, contrary to any such rules, communicates or attempts to communicate with any inmate, and whoever abets any offence made punishable under this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months or to fine not exceeding two hundred rupees or to both.

25. No inmate of a Borstal School shall be made to work for more than eight hours a day:

Provided that extra drill awarded as a punishment under sub-section (1) of Section 23 shall not be deemed, for the purposes of this section, to be work.

26. (1) For every inmate released under sub-section (1) of Section 15 there shall be a probation officer appointed by the District Magistrate in consultation, with the Borstal Association, if any, in the district wherein the

chool is situated or in the district wherein the inmate ermanently resided at the time *
n order of detention was passed against him under Section 6.

(2) Two months prior to the release of any inmate, he Superintendent shall request the District Magistrate o appoint a suitable probation officer as provided in sub-ection (1).

(3) The District Magistrate shall communicate all ppointments of probation officers made under sub-section 1) to the Superintendent in sufficient time for the inmates oncerned being informed of their respective probation fficers before their release from the school.

Explanation.—For the purpose of this section, District Magistrate" shall mean the District Magistrate f the district in which the inmate permanently resided t the time * * * an order of detention was assed against him under Section 6.

PART V.

RULES.

27. (1) The Government may make rules for the regulation and management of any Borstal School and for the carrying into effect of the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or determine—

(*a*) the control and management of Borstal Schools established under this Act;

(*b*) the appointment, powers and duties of officials in such schools;

(*c*) the constitution, powers and duties of Visiting Committees;

(*d*) the classification, control, discipline, training, instruction and treatment of offenders ordered to be detained in a Borstal School and for the temporary detention of such offenders until arrangements can be made for sending them to such school;

(*e*) the regulation of visits to, and communication with, offenders detained in such school;

(*f*) the restriction or prohibition of the supply to, or possession by offenders detained in such school of any specified articles or kinds of articles;

(*g*) the period for which offenders or any class or classes of offenders may, within the limits fixed by this Act, be ordered to be detained in such school;

(*h*) the class or classes (if any) of offenders who shall not be ordered to be detained in such school;

(*i*) the form and conditions of licenses granted under Section 15;

(*j*) the supervision of offenders after the expiration of the term of their detention;

(*k*) the transfer of incorrigible offenders from a Borstal School to prison.

(l) the manner of detention of the accused under arrest or remand or committed for trial

(3) All rules made under this Act shall be published in the Official Gazette, and on such publication shall have the same effect as if enacted in this Act.

PART VI.

APPEAL AND REVISION

Appeal and revision.

28. (1) For the purposes of appeal and revision under the Code of Criminal Procedure, 1904, an order of detention under Section 6 of this Act, shall be deemed to be a sentence of imprisonment for the same period.

(2) Any person affected by an order of the Inspector-General under this Act may appeal to the Government, whose orders shall be final.

PART VII.

MISCELLANEOUS.

Power of Government to discharge an inmate.

29. The Government may at any time order the discharge of an inmate of any Borstal School either absolutely or subject to such conditions as it may think fit.

Detention in a Borstal School not to be deemed to be a disqualification.

30. The detention of an offender in a Borstal School shall not be deemed to be a disqualification attaching to a conviction for any offence.

D. H. Chandrasekharaiya 12/7/43 president

Printed by the Superintendent at the Government Press, Bangalore.

2. The Bill was published, as required by the rules, in the official Gazette, dated the 26th November 1942, in English and Kannada.

3. As the Bill has undergone changes in material particulars, we recommend that the Bill, as amended, be republished.

Sd.) J. MOHAMED IMAM
Chairman.

,, M. SESHADRI.
,, V. V. MONTEIRO.
,, C. NARAYANASWAMI NAIDU.
,, C. LAKSHMANA GOWDA.
,, L. S. RAJU.
,, M. RAMACHANDRA RAO SINDIA.

BANGALORE,
Dated 9th April 1943.

Rajasevasakta H. Venkataramiah was not present at the meeting.

[AS AMENDED BY THE SELECT COMMITTEE.]

[Words underlined or sidelined indicate the amendments suggested by the Committee. Omissions are indicated by asterisks.]

THE MYSORE PROBATION OF OFFENDERS BILL.

A Bill Act to provide for the Release on Probation of Offenders.

WHEREAS it is expedient to provide for the release on probation of offenders in certain cases and for other matters incidental thereto;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Probation of Offenders Act.

(2) It extends to the whole of Mysore.

(3) This section shall come into force at once ; and the Government may, by notification in the official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in any local area on such date as may be specified in such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) the "Code" means the Code of Criminal Procedure, 1904 ;

(*b*) "Court" means a Court empowered to exercise powers under this Act ;

(*c*) "Probation order" means an order made under sub-section (1) of Section 5;

(*d*) "recognized society" means a society recognized by the Government for the purposes of Section 10 ;

(*e*) "supervision order" means an order made under sub-section (2) of Section 5 ; and

(*f*) words and expressions used but not defined in this Act and defined in the Code shall have the meanings assigned to them in the Code.

Courts empowered to pass orders under the Act.

3. (1) The following Courts are hereby empowered to exercise powers under this Act, namely

(*a*) The High Court.

(*b*) A Court of Session,

(*c*) A District Magistrate.

(*d*) A Sub-Divisional Magistrate.

(*e*) A Magistrate of the First Class.

(*f*) Any other Magistrate specially empowered in this behalf.

(2) The powers conferred under sub-section (1) may be exercised by such Courts, whether the case comes before them originally or on appeal or in revision.

(3) Where any offender is convicted by a Magistrate not empowered to exercise powers under this Act, and such Magistrate is of opinion that the powers conferred by Section 4 or 5 should be exercised, he shall record his opinion to that effect and submit the proceedings to a Magistrate of the First Class or Sub-Divisional Magistrate forwarding the offender to, or taking bail for his appearance before such Magistrate, who shall dispose of the case in the manner provided by Section 380 of the Code.

Power of Court to release certain convicted offenders after admonition.

4. Notwithstanding anything contained in any enactment for the time being in force, in any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, or cheating, as defined in the Indian Penal Code, as in force in Mysore or of any offence punishable with not more than two years' imprisonment or fine or both and no previous conviction is proved against him, the Court by which he is so convicted may, if it thinks fit, having regard—

(*a*) to the age, character, antecedents or physical or mental condition of the offender, and

(*b*) to the nature of the offence or any extenuating circumstances under which the offence was committed for reasons to be recorded in writing, instead of sentencing him to any punishment, release him after due admonition.

Power of Court to release certain convicted offenders on probation of good conduct.

5. (1) Notwithstanding anything contained in any enactment for the time being in force, when—

(*a*) any male person is convicted of an offence not punishable with death or transportation for life, or

(*b*) any woman is convicted of an offence of any kind, if it appears to the Court by which the offender is convicted that regard being had to the age, character, antecedents or physical or mental condition of the offender or to the circumstances in which the offence was committed, it is expedient that the offender should be released on probation of good conduct, the Court may, for reasons to be recorded in writing, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period not being less than one year and not exceeding

three years as the Court may direct and in the meantime to keep the peace and be of good behaviour:

Provided that the Court shall not pass a probation order under this section unless it is satisfied that the offender or one of his sureties (if any) has a fixed place of abode or regular occupation and is likely to continue to have such place of abode or such occupation, within the local limits of its jurisdiction during the period of the bond:

Provided also that if a person under twenty-one years of age is convicted of any offence under the Indian Penal Code, as in force in Mysore, or any other enactments prescribed in this behalf under rules made by the Government, which is punishable with imprisonment not exceeding six months, the Court shall take action under this section, unless for special reasons to be recorded in writing, it does not consider it proper to do so.

(2) Where the offender appears to the Court to be under the age of twenty-five years, the Court may for reasons to be recorded in writing, make an order, hereinafter called a supervision order, directing that the bond to be entered into under sub-section (1) shall contain a condition that the offender shall be under the supervision of a probation officer named in the order during the period specified therein and such other conditions as in the opinion of the Court may be necessary for securing such supervision:

Provided that the period so specified shall not extend beyond the date on which, in the opinion of the Court the offender shall attain the age of twenty-six years.

(3) While making a supervision order, the Court may also direct that the bond shall contain such additional conditions with respect to residence, abstertion from intoxicants and any other matters as the Court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or a commission of other offences by the offender.

(4) A Court making a supervision order shall furnish the offender with a written statement of the conditions which he is required to observe.

6. (1) A Court directing the release of an offender under Section 4 or 5 may order the offender to pay such compensation for loss or injury caused to any person by the offence and such costs of the proceedings as the Court thinks reasonable:

Provided that the amount of compensation and costs so awarded shall in no case exceed the amount of fine which the Court could have imposed in respect of the offence.

(2) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under sub-section (1).

(3) The amount ordered to be paid under this section may be recovered as a fine in accordance with the provisions of Sections 386 and 387 of the Code.

7. (1) Notwithstanding anything contained in the Code, except in cases in which the offender has pleaded guilty, or where the order is passed by the High Court, an appeal shall lie from an order of conviction in every case in which an order is passed under Section 4 or 5 to the Court to which appeals ordinarily lie under the Code.

(2) When an order has been made under Section 4 or 5 in respect of any offender, the High Court, on appeal when there is a right of appeal to such Court, or when exercising its power of revision, set aside such an order and in lieu thereof pass such sentence on such offender according to Law;

Provided that the High Court shall not inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted.

Provision in case of offender failing to observe condition of release.

8. (1) If the Court before which an offender is bound by his bond under Section 5 to appear and receive sentence when called upon or any Court which could have dealt with the offender in respect of his original offence, has reason to believe that the offender has failed to observe any of the conditions of his bond, it may issue a warrant for his arrest or may, if it thinks fit, issue a summons to the offender and his sureties, if any, requiring him or them to attend before it at such time as may be specified in the summons.

(2) The Court before which an offender is brought or appears under sub-section (1) may either remand him to custody until the case is heard or admit him to bail, with or without sureties, to appear on the date of hearing.

(3) If the Court, after hearing the case, is satisfied that the offender has failed to observe any of the conditions of his bond, including any conditions which may have been imposed under sub-section (2) or sub-section (4) of Section 5, it may forthwith—

(a) sentence him for the original offence, or

(b) without prejudice to the continuance in force of the bond, impose upon him a fine not exceeding one hundred rupees:

Provided that the Court passing a sentence of fine under clause (a) or (b) shall take into account the amount of compensation ordered to be paid under Section 6.

(4) If a fine imposed under clause (b) of sub-section (3) is not paid within such period as the Court may fix, the Court may sentence the offender for the orginal offence.

Provision as to bonds.

9. The provisions of Sections 122, 126, 126-A, 406-A, 514, 514-A, 514-B, and 515 of the Code, shall, so far as may be, apply in the case of sureties given under this Act.

Appointment of probation officers.

10. (1) A probation officer named in a supervision order may be—

(a) any person appointed to be a probation officer by the Government, or

(b) any person nominated for this purpose with the previous approval of the Government by a recognized society, or

(c) any other person who, in the opinion of the Court, is a fit person to act as a probation officer in the special circumstances of the case,

(2) A probation officer named under sub-section (1) shall be a person who shall possess such qualifications as may be prescribed by rules made in this behalf.

(3) A probation officer, in the exercise of his duties under any supervision order, shall be subject to the control of the District Magistrate of the district in which the offender for the time being resides.

(4) The Court before which an offender is bound by his bond under Section 5 to appear and receive sentence when called upon, may at any time appoint another probation officer in place of the person named in the supervision order.

Duties of probation officers.

11. A probation officer shall, subject to the provisions of Section 10 and rules made under this Act and subject to the directions of the Court—

(*a*) visit or receive visits from the offender at such reasonable intervals as may be specified in the supervision order or, subject thereto, as the probation officer may think fit;

(*b*) see that the offender observes the conditions of the bond;

(*c*) report to the Court as to the behaviour of the offender;

(*d*) advise, assist and befriend the offender and, when necessary, endeavour to find him suitable employment; and

(*e*) perform any other duty which may be prescribed by rules made under this Act.

Variation of conditions of probation on application by probation officers.

12. (1) The Court before which any person is bound by a bond under Section 5 to appear and receive sentence may at any time, upon the application of the probation officer or of its own motion, if it thinks that it is expedient that the terms or conditions of the bond should be varied, summon the offender to appear before it, and, if he fails to show cause why such variation should not be made, vary the terms of the bond by extending or diminishing the duration thereof or by altering any of the conditions thereof or by inserting additional conditions therein:

Provided that in no case shall the duration of the bond be less than one year or more than three years from the date of the original order, and where a supervision

order has been made under sub-section (2) of Section 5, the duration of the period of supervision shall not extend beyond the date on which, in the opinion of the Court, the offender shall attain the age of twenty-six years

Provided further that, in the case of a bond with a surety or sureties, no such variation shall be made without the consent thereto of such surety or sureties, and that in the absence of such consent the Court shall in all such cases require the offender to enter into a new bond with or without sureties.

(2) Such Court may also, on application made by the probation officer or of its own motion, on being satisfied that the conduct of the offender has been such as to make it unnecessary that he should be kept any longer under supervision, discharge the bond.

13. Any person who is found guilty of an offence and is dealt with under the provisions of this Act shall not suffer any disqualification attaching to a conviction for the offence;

Provided that this section shall not apply to a person released on probation if subsequent to such release he was sentenced under sub-section 3 of Section (8) or a penalty was imposed on him under that sub-section.

14. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules

(*a*) regulating the appointment, resignation and removal of probation officers and prescribing the qualifications of such officers:

(*b*) prescribing and regulating the duties of probation officers;

(*c*) regulating remuneration and expenses payable to probation officers;

(*d*) specifying conditions on which societies may be recognized for the purposes of clause (*b*) of sub-section (1) of Section 10; and

(*e*) prescribing the enactments referred to in the second proviso to Section 5 (1).

(3) All rules made under this section shall be published in the official Gazette, and on such publication shall have the same effect as if enacted by this Act.

14. In any area in which this Act is in force, no Court shall make an order under Section 562 of the Code in respect of any first offender.

Barring of operation of Section 562 of Act II of 1904.

15. Nothing in this Act shall affect the provisions of the Mysore Children Act, 194 , or the Mysore Borstal Schools Act, 194 .

Saving of Mysore Children Ac and the Mysore Borstal Schools Act.

D. H. Chandrasekharaiya 12/7/43
President
Legislative Council

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. RL 195 Legis 19-43-1

Dated, Bangalore, 11th Aug **19** 43

Ordered that the accompanying Mysore prisoners Act 1

which received the assent of His Highness the Maharaja, on the 28th day of July 1943 be published as Act No. XLIV of 1943, in the *Mysore Gazette*, for general information.

12.8.43 *General Secretary to Government.*
Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

2 Copy to the Translation Section

Then, in the case of confirmed recidivists a new form of sentence has been devised as "Preventive Detention." The Committee on Prison Reforms observe at pages 186-187 of their Report, that "Preventive Detention is not punitive in character, but merely intended for the protection of society and that there is a real need for some form of it in this country." This method is considered as the correct way of dealing with such habituals. The segregation of such person in special Criminal settlements, where he can live with his family and is trained to lead an honest life under rigid supervision, has been recommended. The Criminal Justice Bill envisaged this system also.

Before any amendment on these lines could be effected in the Prisons Bill, suitable provisions are necessary to be made in the Mysore Probation of Offenders Bill. Hence my attempt in the Select Committee to get these amendments considered were met with the reply that I should get the Probation of Offenders Bill amended first. I therefore respectfully suggest that the Probation of Offenders Bill be first taken into consideration by the Legislative Council and then the Prisons Bill to permit consideration of this question.

One of the terms of the reference to the Committee on Prisons Reform in Mysore was, "The after—care of discharged persons including facilities for their reinstatement in social and economic life." Chapter 10 of the Report deals in extenso with this subject. Neglect of after—care is described as the "weak-spot" in our system There is no use in deploring the absence of agencies. dedicated to such work in Mysore. I suggest that work on the lines adopted by the Bombay Government where a Provincial after—care organisation was formed, with its headquarters in Bombay, may be undertaken. Necessary rules may be framed to blot out this "weak-spot"

Every effort should be made through prison and penal reform to reclaim the offender "through appropriate means, educative, psychological and medical" and to produce a real and lasting moral regeneration. Have we spared no pains to provide the machinery to achieve this desirable object ?

[As Amended by the Select Committee.]

[Words underlined or side-lined indicate the amendments suggested by the Committee. Omissions are indicated by asterisks.]

Act No. XLIV of 1943

14. THE MYSORE PRISONS ~~BILL~~. Act 1943

An ~~A Bill~~ to amend the law relating to Prisons.

(Received the assent of His Highness the Maharaja on the 28th day of July

WHEREAS it is expedient to amend the law relating to prisons in Mysore;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title, extent and commencement.

1. (1) This Act may be called the Mysore Prisons Act, 194

(2) It extends to the whole of Mysore.

(3) ~~It shall come into force on the first day of 194~~

Repeal.

2. (1) On and after the ~~said~~ ~~first~~ twenty eighth day of July 1943 the Prisons Act, XXVI of 1870, which was extended to Mysore by Notification of the Government of India, Foreign Department, Judicial No. 246 I. J., dated the 4th September 1879, shall be repealed.

(2) But all rules and appointments made, directions given and orders issued under the said Act shall, so far as they are consistent with this Act, be deemed to have been respectively made, given and issued under this Act.

(3) Any enactment or document referring to the said Act shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Definitions.

3. In this Act—

(1) "prison" means any jail or place used permanently or temporarily under the general or special orders of the Government for the detention of prisoners, and includes all lands and buildings appertenant thereto, but does not include—

(*a*) any place for the confinement of prisoners who are exclusively in the custody of the police;

(*b*) any place specially appointed by the Government under section 541 of the Code of Criminal Procedure, 1904

[(*c*) * * * * *
* *

(2) "criminal prisoner" means any prisoner duly committed to custody under the warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial:

(3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1904:

(4) "civil prisoner" means any prisoner who is not a criminal prisoner:

(5) "remission system" means the system under the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails:

(6) "history-ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder:

(7) "Inspector-General" means the Inspector-General of Prisons:

* * * *
* * * *

(8) "Prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

Accommodation for prisoners.

4. The Government shall provide, for the prisoners in Mysore, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

Inspector-General.

5. An Inspector-General shall be appointed for Mysore and shall exercise, subject to the orders of the Government, the general control and superintendence of all prisons situated in Mysore.

Officers of prisons.

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer and such other officers as the Government thinks necessary.

Temporary accommodation for prisoners.

7. Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III.

Duties of Officers.

Generally.

Control and duties of officers of prisons.

8. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by rules under section 59.

Officers not to have buisness dealings with prisoners.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

Officers not to be interested in prison contracts.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest direct or indirect, in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

Superintendent

11. (1) Subject to the orders of the Inspector General, the Superintendent shall manage the prison in all

matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the Government, the Superintendent of a prison other than a central prison shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector-General all such orders and the action taken thereon.

Records to be kept by Superintendent.

12. The Superintendent shall keep, or cause to be kept, the following records:—

(1) a register of prisoners admitted;

(2) a book showing when each prisoner is to be released;

(3) a punishment book for the entry of the punishment inflicted on prisoners for prison-offences;

(4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;

(5) a record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules under section 59.

Medical Officer.

Duties of Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Government under section 58.

Medical Officer to report in certain cases.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information and for such action as he deems fit.

Report on death of prisoner.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely:—

(1) the day on which the deceased first complained of illness or was observed to be ill,

(2) the labour, if any, on which he was engaged on that day,

(3) the scale of his diet on that day,

(4) the day on which he was admitted to hospital,

(5) the day on which the Medical Officer was first informed of the illness,

(6) the nature of the disease,

(7) when the deceased was last seen before his death by the Medical Officer * * *

(8) when the prisoner died, and

(9) (in cases where a *post-mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required. A copy of the particulars shall be sent to the Inspector-General as soon as may be.

Jailer.

Jailer.

16. (1) The Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2) The Jailer shall not, without the Inspector-General's sanction in writing, be concerned in any other employment.

Jailer to give notice of death of prisoner.

17. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the Medical Officer.

Responsibility of Jailer.

18. The Jailer shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confined to his care, and for the money and other articles taken from prisoners.

Jailer to be present at night.

19. The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent; but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

Powers of Deputy and Assistant Jailers.

20. Where a Deputy Jailer or Assistant Jailer is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Jailer under this Act or any rule thereunder.

Subordinate Officers.

21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer. Duties of gate-keeper

22. Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer. Subordinate officers not to be absent without leave.

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore. Convict officers.

CHAPTER IV.

Admission, Removal and Discharge of Prisoners.

24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him. Prisoners to be examined on admission

(2) Every * prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailer, a record of the state of the prisoner's health and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners, the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

25. All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailer. Effects of prisoners.

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer. Removal discharge prisoners.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

Discipline of Prisoners.

Separation of prisoners.

27. The requisitions of this Act with respect to the separation of prisoners are as follows:-

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners;

(2) in a prison where male prisoners under the age of eighteen are confined, means shall be provided for separating them altogether from other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from criminal prisoners.

and segregation of prisoners.

28. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

Solitary confinement.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer.

Prisoners under sentence of death.

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailer, and all articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners.

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private source at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-General.

Maintenance of certain prisoners.

32. No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner, and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Restriction on transfer of food and clothing between certain prisoners.

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

Supply of clothing and bedding to civil and unconvicted criminal prisoners

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the * * * bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

CHAPTER VII.

Employment of Prisoners.

34. (1) Civil prisoners may, with the * * * permission of the Superintendent, work and follow any trade or profession.

Employment of civil prisoners.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

Employment of criminal prisoners.

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing, of the Superintendent, be kept to labour for more than * eight hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

of criminal prisoners sentenced to simple imprisonment

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment sha be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

CHAPTER VIII.

Health of Prisoners.

Sick prisoners.

37. (1) The names of prisoners desiring to see the * * * Medical Officer or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoner to the Jailer.

(2) The Jailer shall, without delay, call the attention of the * Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer * respecting alterations of the discipline or treatment of any such prisoner.

Record of directions of Medicals Officer.

38. All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions

relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the Government may by rule direct, and the Jailer shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of the entry.

* * * * *

* * * * *

Hospital.

39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners.

Power of Superintendent to send a prisoner to hospital for special treatment.

40. The Superintendent may, if in his opinion a prisoner requires special treatment in a hospital outside the prison or in a * * * Mental Hospital send him to such hospital without requiring him to be in or under the custody or control of any prison officer but, * * subject to the prisoner or any relative or friend of the prisoner executing such bond and abiding by such other conditions, if any, as the Government may by rule or order prescribe. Any period during which the prisoner is undergoing treatment in such hospital or asylum or spent by him in going thereto or returning therefrom shall be deemed to be part of the period of his detention in the prison.

CHAPTER IX.

Visits to Prisoners.

Visits to civil and unconvicted criminal prisoners.

41. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial or prisoners intending to prefer an appeal or petition against their conviction, may see their duly qualified legal advisers without the presence of any other person.

Search of visitors.

42. (1) The Jailer may demand the name and address of any visitor to a prisoner, and, when the Jailer

has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Government may direct

CHAPTER X.

Offences in relation to Prisons.

Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.

43. Whoever, contrary to any rule under section 58, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

Power of arrest for offence under section 43.

44. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police Officer, and thereupon such Police Officer shall proceed as if the offence had been committed in his presence.

Publication of penalties.

45. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 43 and the penalties incurred by their commission.

CHAPTER XI.

PRISON-OFFENCES.

46. The following acts are declared to be prison offences when committed by a prisoner:—

(1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 61 to be a prison-offence;
(2) any assault or use of criminal force;
(3) the use of insulting or threatening language;
(4) immoral or indecent or disorderly behaviour;
(5) wilfully disabling himself from labour;
(6) contumaciously refusing to work;
(7) filing, cutting, altering or removing hand-cuffs, fetters, or bars without due authority;
(8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
(9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
(10) wilful damage to prison-property;
(11) tampering with or defacing history-tickets, records or documents;
(12) receiving, possessing or transferring any prohibited article;
(13) feigning illness;
(14) wilfully bringing a false accusation against any officer or prisoner;
(15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison-official; and
(16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Punishment of such offences.

47. The Superintendent may examine any person touching any such offence, and determine thereupon and punish such offence by—

(1) a formal warning;

Explanation.—A formal warning shall mean a warning personally addressed to a prisoner by

the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;

(2) change of labour to some more irksome or severe form for such period as may be prescribed by rules made by the Government;

(3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment;

(4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Government;

(5) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(6) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(7) separate confinement for any period not exceeding * two months;

Explanation.—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

(8) penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Government:

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

(9) cellular confinement for any period not exceeding * * ten days:

Provided that after each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again * *

punished by cellular confinement

Explanation.—Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of other prisoners;

(10) penal diet as defined in clause (9) combined with celular confinement:

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters.

Plurality of punishments under Section 47.

48. (1) Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely,—

(i) formal warning shall not be combined with any other punishment * * * *

(ii) penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with cellular confinement;

(iii) cellular confinement shall not be combined with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable;

(iv) no punishment shall be combined with any other punishment in contravention of rules made by the Government.

(2) No punishment shall be awarded for any such offence so as to combine with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.

Award of punishments under sections 47 and 48.

49. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector-General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Punishments to be in accordance with fore going section.

50. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner, and no

punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Medical Officer to certify to fitness of prisoner for punishment.

51. (1) No punishment of penal diet, either singly or in combination, or of change of labour under section 47, clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if, he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion, in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

Entries in punishment book.

52. (1) In the punishment-book prescribed in section 12, there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, as also the substance of the evidence of the witnesses, proving the offence or appearing for the defence, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment, the Jailer and the Superintendent shall affix their initials as evidence of the correctness of the entries.

53. If any prisoner is guilty of any offence against prison-discipline which, by reason of his having frequently committed such offences or otherwise in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class having jurisdiction, together with a

statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which, such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 47:

Provided that the District Magistrate may transfer the case for inquiry and trial to any Magistrate of the first class: and

Provided also that no person shall be punished twice for the same offence.

Offences by prison subordinates.

54. (1) Every Jailer or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice, in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) No person shall, under this section, be punished twice for the same offence.

CHAPTER XII.

Temporary Release of Prisoners.

55. (1) The Government or any authority to which the Government may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules made by the Government, release, temporarily for a period not exceeding ten days in a year excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for purposes of this Act and who has had more than three convictions.

(3) No person shall be released under sub-section (1) unless—

(a) he has, at the time of his release, served one half of his sentence including remission or a period of not less than two years of his sentence including remission, whichever is less;

(b) his conduct in prison has been good;

(c) twelve months have elapsed from the date of the expiry of the period of his previous release under this section.

(4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence.

56. (1) On the expiry of the period for which a prisoner was released under sub-section (1) of section 55, he shall surrender himself to the officer in charge of the prison from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence.

57. Any prisoner who does not surrender himself as required by sub-section (1) of section 56 shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

CHAPTER XIII.

MISCELLANEOUS.

Extramural custody, control and employment of prisoners.

58. A prisoner, when being taken to or from any prison in which he may be lawfully confined or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison-officer belonging to such prison, shall be deemed to be in prison and shall be subject to the same incidents as if he were actually in prison.

Confinement in irons.

59. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid

down by the Inspector-General with the sanction of the Government, so confine them.

60. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority except in case of urgent necessity in which case notice thereof shall be forthwith given to the Superintendent.

Prisoners not to be ironed by Jailer except under necessity.

61. The Government may make rules consistent with this Act—

Power to make rules.

(1) defining the acts which shall constitute prison-offences;

(2) determining the classification of prison-offences into serious and minor offences;

(3) fixing the punishments admissible under this Act which shall be awardable for commission of prison offences or classes thereof;

(4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code as in force in Mysore may or may not be dealt with as a prison-offence;

(5) for the award of marks and the shortening of sentences;

(6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;

(8) for the classification of prisons and description and construction of wards, cells and other places of detention;

(9) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;

(10) for the government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this Act;

(11) as to the food, clothing and bedding of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;

(12) for the employment, instruction and control of convicts within or without prisons;

(13) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited;

(14) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;

(15) for regulating the disposal of the proceeds of the employment of prisoners;

(16) for the classification and the separation of prisoners;

(17) for regulating the confinement of convicted criminal prisoners under section 28;

(18) for the preparation and maintenance of history-tickets,

(19) for the selection and appointment of prisoners as officers of prisons;

(20) for rewards for good conduct;

(21) for regulating the transfer of prisoners whose term of imprisonment is about to expire;

(22) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;

(23) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends;

(24) for the appointment and guidance of visitors of prisons;

(25) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1904, and to the officers employed, and the prisoners confined, therein;

(26) in regard to the admission, custody, employment, dieting, treatment, and release of prisoners, and for other purposes consistent with this Act; and

(27) generally, for carrying into effect the purposes of this Act.

62. Copies of rules under section 61, so far as they affect the government of prisons, shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a prison have access.

63. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may, in his absence, be exercised and performed by such other officer as the Government may appoint in this behalf either by name or by his official designation

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. WL 196: Leg 19-43-2 Dated, Bangalore, 11th Aug 1943

Ordered that the accompanying Mysore Children Act 1943

which received the assent of His Highness the Maharaja, on the 28th day of July 1943, be published as Act No. XLV of 1943, in the *Mysore Gazette*, for general information.

General Secretary to Government.
Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

[As Amended by the Select Committee].

[Words underlined or side-lined indicate the amendments suggested by the committee, omissions are indicated by asterisks.]

Act No XLIX of 1943

THE MYSORE CHILDREN ~~BILL~~. Act 1943

(Received the assent of His Highness the Maharaja on the 28th day of July 1943)

Preamble

WHEREAS it is expedient to make provision for the custody and protection of children and for the custody, trial and punishment of juvenile offenders; * * * * * * It is hereby enacted as follows :—

PART I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Children Act.

(2) It extends to the whole of Mysore.

(3) This section shall come into force at once. The Government may, by notification in the official Gazette from time to time, apply the whole or any portion of this Act to children or juvenile offenders or any class thereof in any local area in Mysore from such date as may be specified in the notification, and may in like manner cancel or modify any such notification.

Repeal.

(4) The Mysore Juveniles Act, XIV of 1939, is hereby repealed.

Interpretation clause.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Child" means a person under the age of sixteen years and, when used with reference to a child sent to a certified school, applies to that child during the whole period of his detention, notwithstanding that the child may have attained the age of sixteen years;

(*b*) "Juvenile offender" means any child who has been found to have committed an offence punishable with transportation or imprisonment;

(*c*) "certified school" means a school established under sub-section (1) or certified under sub-section (2) of Section 45 of this Act, or any other educational institution certified in this behalf by the Government;

(*d*) "guardian" in relation to a juvenile offender or child includes any person who, in the opinion of the court having cognizance of any proceedings in relation to the juvenile offender or child, or in which the juvenile offender or child is concerned has, for the time being, the actual charge of or control over the juvenile offender or child;

(*e*) "fit person" in relation to the care of any child includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children which undertakes to bring up or to give facilities for bringing up any child entrusted to its care in conformity with the religion of its birth;

(*f*) "place of safety" includes any orphanage, hospital, nursing home or any other suitable place or institution the occupier or manager of which is willing temporarily to receive a child; or, where such orphanage, hospital, nursing home or other suitable place or institution is not available, in case of a male child only a police station;

(*g*) "brothel" means any house, room or place or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purposes of prostitution;

(*h*) "prescribed" means prescribed by rules under this Act;

(*i*) "Juvenile court" means a separate court established under sub-section (1) of Section 55 of this Act, and includes a court hearing charges against children under sub-section (2) of that section;

(*j*) "caning" means the punishment authorised under the Whipping Act, 1903, and inflicted with a cane less than half an inch in diameter as directed by the Government under Section 392 of the Code of Criminal Procedure, 1904;

(*k*) "Probation Officer" means an officer appointed under Section 29.

3. The powers conferred on courts by this Act shall be exercised only by (*a*) the High Court, (*b*) a Court of Session, (*c*) a District Magistrate, (*d*) a Sub-Divisional Magistrate, (*e*) any Magistrate of the First Class, (*f*) any Magistrate of the Second Class specially empowered by the Government to exercise all or any of such powers, (*g*)

any Juvenile Court constituted under Section 55, and may be exercised by such courts whether the case comes before them originally or on appeal or for revision.

Procedure when Magistrate is not empowered to pass an order under this Act.

4. (1) When any Magistrate not empowered to pass an order under this Act is of opinion that a child brought before him is a proper person to be sent to a certified school or to be dealt with in any other manner in which the case may be dealt with under this Act, he shall record such opinion and submit his proceedings and forward the child to the District Magistrate to whom he is subordinate or the Magistrate presiding over the nearest Juvenile Court having jurisdiction in the case.

(2) The District Magistrate or the Magistrate presiding over the Juvenile Court to whom the proceedings are so submitted may make such further inquiry, if any, as he may think fit, and may pass such order dealing with the case as he might have passed if the child had originally been brought before or tried by him.

PART II.

Measures for the Custody and Protection of Children who are Destitutes, etc.

Children found homeless, destitute, etc.

5. (1) Any police officer or other person authorised in this behalf in accordance with rules made by the Government may bring before a court any person who, in his opinion, is a child and who—

(*a*) has no home, settled place of abode or visible means of subsistence, or has no parent or guardian who exercises regular and proper guardianship, or

(*b*) is found destitute and his parents or surviving parent or other guardian, or, in the case of an illegitimate child, his mother or other guardian, are or is, as the case may be, undergoing transportation or imprisonment, or

(*c*) is under the care of a parent or guardian who by reason of criminal or drunken habits, is unfit to have the care of such person, or

(*d*) frequents the company of any reputed thief or prostitute, or

(*e*) is lodging or residing in or frequenting a house used by a prostitute for the purgoses of prostitution, or

(*f*) is otherwise likely to fall into bad association or to be exposed to moral danger or to enter upon a life of crime:

Provided that when any such child has a parent or guardian who has the actual charge or control over the child, the police officer or other person as aforesaid shall, in the first instance, make a report to the nearest court or magistrate having jurisdiction under this Act. Such court or magistrate may call upon such parent or guardian to show cause why the said child should not, during the pendency of the proceedings, be removed from his care, and may, on suitable sureties being offered for the safety of such child and for his being brought before the court, permit the child to remain in the actual charge or control of his parents or guardian, or may order his removal till the court passes orders under this Act.

(2) The court before which a child is brought as coming within one of these descriptions shall examine the information and record the substance of such examination, and shall, if it thinks that there are sufficient grounds for inquiring further, fix a date for such inquiry.

(3) On the date fixed for the production of the child or for the inquiry, or on any subsequent date to which the proceedings may be adjourned, the court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order sending the child to a certified school should not be passed, and make any further inquiry it thinks fit.

(4) If the court is satisfied on the inquiry that such person is a child and is as described within the provisions of sub-section (1) and that it is expedient so to deal with him, the court may order him to be sent to a certified school or may order him in the prescribed manner to be committed to the care of a relative or other fit person named by the court, such relative or other person being willing to undertake such care until such child attains the age of eighteen years or for any shorter period.

(5) The court which makes an order committing a child to the care of a relative or other fit person may, when making such order, require such relative or other person to execute a bond, with or without sureties, as the court may require, to be responsible for the good behaviour of the child and for the observance of such other conditions as the court may impose for securing that the child may lead an honest and industrious life.

(6) The court which makes an order committing a child to the care of a relative or other fit person under this section may, in addition, order that he be placed under the supervision of a probation officer or other person named by the court:

Provided that, when the magistrate thinks fit he may allow such child to remain in the custody of a parent or guardian with a direction that he be placed under the supervision of a probation officer or other person named by the court on such parent or guardian giving an undertaking with or without sureties in a prescribed form to the court, and the court may from time to time adjourn the inquiry and compel the production of the child in court to satisfy it that the said undertaking is being carried out.

Uncontrollable children.

6. Where the parent or guardian of a child proves to a court that he is unable to control the child and that he desires the child to be sent to a certified school, the court, if satisfied on enquiry that it is expedient so to deal with the child and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

PART III.

OFFENCES AGAINST CHILDREN AND THEIR PREVENTION.

Punishment for cruelty to children.

7. (1) Whoever having the actual charge of or control over a child abandons, exposes or wilfully neglects or ill-treats such child in a manner likely to cause such child unnecessary suffering or injury to his health, shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) For the purposes of this section, injury to health includes injury to, or loss of, sight or hearing and injury to limb or organ of the body and any mental derangement, and a parent or other person legally liable to maintain a child shall be deemed to have neglected him in a manner likely to cause injury to his health if he wilfully fails to provide adequate food, clothing, medical aid or lodging for the child.

(3) A person may be convicted of an offence under this section notwithstanding the actual suffering or injury to health obviated by the action of another person.

(4) Nothing in this section shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child.

Causing or allowing child to beg.

8. (1) Whoever for his own profit causes any child or, having the actual charge of or control over a child allows that child to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms, shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

(2) The Government may by notification in the official Gazette, exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

Penalty for being drunk while in charge of a child.

9. If any person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, while having the charge of a child apparently under the age of seven years, and if such person is incapable, by reason of his drunkenness, of taking due care of the child, he may be arrested and shall, if the child is under that age, be punishable with fine which may extend to fifty rupees.

Presumption as to age of child.

Explanation.—For the purposes of this section, a child shall be deemed to be under the age of seven if it appears to the court to be under that age unless the contrary is proved.

Penalty for giving intoxicating liquor to a child.

10. Whoever in any highway or other public place, whether a building or not, or on any licensed premises gives, or causes to be given, to any child any intoxicating liquor except upon the order of a duly qualified medical practitioner, or in case of sickness or other urgent cause, shall be punishable with fine which may extend to fifty rupees.

Seizure by police officer of any bidis, cigarettes, tobacco or smoking mixture in possession of a child.

11. It shall be the duty of a police officer to seize any bidis, cigarettes, tobacco or smoking mixture in the possession of a child whom he finds smoking in any street or public place, and any bidis, cigarettes, tobacco or smoking mixture so seized shall be forfeited to Government, and every such police officer shall be authorised to search any boy so found smoking but not a girl.

Penalty for inciting a child to bet or borrow.

12. Whoever, by words either spoken or written or by signs, or otherwise, incites or attempts to incite a child to make any bet or wager or to enter into or take any

share or interest in any betting or wagering transaction or so incites or attempts to incite a child to borrow money or to enter into any transaction involving the borrowing of money, shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Penalty for taking pawn from a child.

13. Whoever takes an article in pawn from a child, whether offered by that child on his own behalf or on behalf of any other person, shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Allowing child to be in brothel.

14. Whoever, having the actual charge of, or control over, a child between the ages of four and sixteen, allows that child to reside in or frequent a brothel, shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Causing or encouraging seduction, etc., of young girl.

15. (1) Whoever, having the actual charge of or control over, a girl under the age of sixteen years, causes or encourages seduction or prostitution of that girl or causes or encourages any one other than her husband to have sexual intercourse with her, shall be punishable with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

(2) For the purposes of this section, a person shall be deemed to have caused or encouraged the seduction or prostitution of, or the unlawful sexual intercourse, with a girl who has been seduced or become a prostitute or with whom such sexual intercourse has been had, if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of any prostitute or person of known immoral character.

Young girls exposed to risk of seduction, etc., or cruelly treated.

16. If it appears to a court on the complaint of any person that a girl under the age of sixteen is being treated with cruelty by her parent or guardian or that such girl with the knowledge of her parent or guardian is exposed to the risk of seduction or prostitution, or living a life of prostitution, the court may direct the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of such girl.

Detention of child in a place of safety.

17. (1) Any police officer not below the rank of Sub-Inspector, or a police officer or a person authorised in this behalf in accordance with rules made by the Government,

may take to a place of safety any child in respect of whom an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, as in force in Mysore, has been, or there is reason to believe has been committed.

(2) A child so taken to a place of safety and als any child who seeks refuge in a place of safety may ther be detained until he can be brought before the court, bu such detention shall not, in the absence of a special orde of the court, exceed a period of twenty-four hours exclu sive of the time necessary for the journey from the plac of detention to the court, and the court may make sucl order as is mentioned in the next following sub-section, o may cause the child to be dealt with as circumstance may admit and require until the charge made against an person in respect of any offence as aforesaid with regar to the child has been determined by the conviction, dis charge or acquittal of such person.

(3) Where it appears to the Court that an offenc as aforesaid has been committed in respect of any chil who is brought before the Court and that it is expedient in the interests of the child that an order should be made under this sub-section, the Court may make such order as circumstances may admit and require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against some person for having committed the offence and, if a charge is made against any person within that time, until the charge had been determined by the conviction, discharge or acquittal of that person and, in case of conviction, for such further time not exceeding one month as the Court which convicted may direct, and any such order may be carried out notwithstanding that any person claims the custody of the child.

18. (1) Where any person having the actual charge of or control over a child has been-

(*a*) convicted of committing in respect of such child an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, as in force in Mysore; or

(*b*) committed for trial for and such offence; or

(*c*) bound over to keep the peace towards such child by any Court.

that Court may, either at the time when the person is so convicted, committed for trial or bound over or at any other time order that the child be taken out of the charge and control of the person so convicted, committed for trial or bound over and be committed to the care of a relative of the child or other fit person named by the Court (such relative or other person being willing to undertake such care) until he attains the age of eighteen years or for any shorter period, and that Court or any Court of like jurisdiction may, of its own motion, or on the application of any person, from time to time by order renew, vary and revoke any such order.

(2) The Court which makes an order committing a child to the care of a relative or other fit person under this section may require such relative or other person to execute a bond, with or without sureties, to be responsible for the good behaviour of the child and for the observance of such other conditions as the Court may impose for securing that the child may lead an honest and industrious life and, in addition, order that the child be placed under the supervision of a probation officer or other person named by the Court.

(3) If the child has a parent or guardian, no order shall be made under this section unless—

(i) the parent or legal guardian has been convicted of or committed for trial for the offence or has been bound over to keep the peace towards the child or cannot be found; or

(ii) the Court has reason to believe that the parent or legal guardian has either been party or privy to the offence or has by any act or omission facilitated the offence, or is otherwise unfit to have the care of the child:

Provided that, if the Court thinks fit, it may, on such parent or guardian giving an undertaking with or without sureties in a prescribed form to the Court, allow such child to remain in the custody of such parent or legal guardian subject to the supervision of a probation officer or other person named by the Court.

(4) Every order under this section shall be in writing, and any such order may be made by the Court in the absence of the child and the consent of any person to undertake the care of the child in pursuance of any such order shall be taken in such manner as the Court may think sufficient to bind him.

(5) Where an order is made under this section and the conviction or order binding the person to keep the peace is set aside or the person is acquitted, the order shall forthwith be void except with regard to anything that may have been lawfully done under it.

(6) The Court may, instead of ordering the child to be committed to the care of a relative or other fit person, order that the child shall be sent to a certified school.

Warrant to search for child ill-treated.

19. (1) If it appears to a magistrate duly empowered under this Act, from information on oath or solemn affirmation laid by any person who in the opinion of the magistrate, is acting in the interests of a child, that there is reasonable cause to suspect that—

(*a*) the child has been or is being wilfully ill-treated or neglected in any place within its jurisdiction in a manner likely to cause the child unnecessary suffering or to be injurious to his health, or

(*b*) that an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, as in force in Mysore, has been or is being committed in respect of the child,

the magistrate may issue a summons in the first instance against the person or persons in whose care, custody or control such child is, to produce forthwith the said child in Court, or may issue a warrant authorizing any police officer named therein to search for such child, and, if it is found that he has been or is being wilfully ill-treated or neglected in manner aforesaid or that any offence as aforesaid has been or is being committed in respect of the child, to take him to and detain him in a place of safety until he can be brought before the magistrate, or authorizing any police officer to remove the child with or without search, to a place of safety and detain him there until he can be brought before the magistrate; and the magistrate before whom the child is brought may commit him to the care of a relative or other fit person in like manner as if the person in whose charge or control he was had been committed for trial for an offence punishable under this Act:

Provided that, if the said child is in the custody or control of a parent or guardian who, being a female, does

not, according to the customs and manners of the country, appear in public, the magistrate shall ordinarily issue a summons, and the person to whom such summons is issued shall be deemed to have complied with the summons if, instead of personally attending in court she causes the said child to be produced in court.

(2) A magistrate issuing a warrant under this section may, in his discretion by the same warrant, direct that any person accused of any offence in respect of the child be apprehended and brought before him or, direct that, if such person executes a bond with sufficient sureties for his attendance before the magistrate at a specified time and thereafter until otherwise directed by the magistrate, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

The police officer executing the warrant shall be accompanied by the person laying the information if such person so desires, and may also, if the magistrate by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(4) In any information or warrant under this section, the name of the child shall be given if known.

Compensation for false and frivolous or vexatious information.

20. (1) If, in any case in which an information has been laid by any person under the provisions of section 19, the magistrate, after such inquiry as he may deem necessary, is of opinion that such information was false and either frivolous or vexatious, the magistrate may, for reasons to be recorded in writing, direct that compensation to such an amount not exceeding one hundred rupees as he may determine be paid by such informer to the person against whom the information was laid.

(2) Before making any order for the payment of compensation, the magistrate shall call upon the informer to show cause why he should not pay compensation and shall consider any cause which such informer may show.

(3) The magistrate may by the order directing payment of the compensation further order that in default of payment the person ordered to pay such compensation shall suffer simple imprisonment for a period of thirty days.

(4) When any person is imprisoned under sub-section (3), the provisions of sections 68 and 69 of the Indian Penal Code, as in force in Mysore, shall, so far as may be, apply.

(5) No person who has been directed to pay compensation under this section shall by reason of such order be exempted from any civil or criminal liability in respect of the information given by him, but any amount paid as compensation shall be taken into account in any subsequent civil suits relating to such matter.

(6) An informer who has been ordered to pay compensation exceeding fifty rupees may appeal from the order as if such informer had been convicted on a trial held by the magistrate directing the payment of compensation.

(7) When an order for the payment of compensation is made in a case which is subject to appeal under sub-section (6), the compensation shall not be paid to the person ordered to receive it before the period allowed for the presentation of the appeal has elapsed or, if an appeal is presented, before the appeal has been decided; and where such order is made in a case which is not subject to appeal, the compensation shall not be paid before the expiration of one month from the date of the order.

PART IV.

JUVENILE OFFENDERS.

Bail of children arrested.

21. Where the person apparently under the age of sixteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of the police station to which such person is brought may in any case, and shall unless the charge is one of culpable homicide or any other offence punishable with death or transportation, release him on bail if sufficient security is forthcoming unless for reasons to be recorded in writing the officer believes that such release would bring him into association with any reputed criminal:

Provided that, when any girl apparently under the age of sixteen years is arrested, the officer in charge of a police station who has made the arrest or before whom the girl is produced shall release her at once if any person who in his opinion is a sufficient surety enters into a bond for such sum of money as the officer considers sufficient to produce her before the court and to appear in her stead if required at the police station.

22. Where a person apparently under the age of ixteen years having been arrested is not released under ection 21 or otherwise, the officer in charge of the police tation shall cause him to be detained in the prescribed nanner until he can be brought before a court.

23. A court, on remanding or committing for trial , child who is not released on bail, shall order him to be letained in the prescribed manner.

24. (1) Where a child is charged with any ffence or is brought before a court on an application or an order to send him to a certified school, his parent r guardian may in any case, and shall, if he can be found nd resides within a reasonable distance, be required to ttend at the court before which the case is heard during ll the stages of the proceedings, unless the court is satisied that it would be unreasonable to require his ttendance.

(2) Where the child is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child, if he can be found, to be warned to attend at the court before which the child will appear.

(3) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual charge of or control over the child:

Provided that if such parent or guardian is not the father, the attendance of the father may also be required.

(4) The attendance of the parent of a child shall not be required under this section in any case where the child was before the institution of the proceedings removed from the custody or charge o fhis parent by an order of a court.

(5) Nothing in this section shall be deemed to require the attendance of the mother or the female guardian of a child if such mother or female guardian does not according to the customs and manners of the country appear in public, but any such mother or female guardian may appear before the court by a pleader or agent.

Sentences that may not be passed

25. Notwithstanding anything to the contrary contained in any law, no child shall be sentenced to death or transportation or committed to prison:

Provided that a child who is fourteen years of age or upwards may be committed to prison where the court

certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a certified school and that none of other methods in which the case may legally be dealt with is suitable.

No proceedings under Chapter VIII of Criminal Procedure Code again a child.

26. Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1904, no proceedings shall be instituted and no order shall be passed against a child under Chapter VIII of the said Code.

Commitment of child to a certified school.

27. (1) Where a child is found to have committed an offence punishable with transportation or imprisonment, the court, if satisfied on enquiry that it is expedient so to deal with the child, may order him to be sent to a certified school.

(2) Where prior to the commencement of this Act a juvenile offender has been sentenced to transportation or imprisonment, the Government may direct that in lieu of undergoing or completing such sentence he shall, if under the age of fourteen years, be sent to a certified school; and thereupon the offender shall be subject to all the provision of this Act as if he had been originally sentenced to detention in such school.

Power to discharge juvenile offender or to commit him to suitable custody.

28. (1) A court may, if it shall think fit, instead of directing any juvenile offender to be detained in a certified school, order him to be—

(*a*) discharged after due admonition, or

(*b*) released on probation of good conduct and committed to the care of his parent or guardian or other adult relative or other fit person, on such parent, guardian, relative or person executing a bond, with or without sureties, as the court may require, to be responsible for the good behaviour of the juvenile offender for any period not exceeding three years and for the observance of such other conditions as the court may impose for securing that the juvenile offender may lead an honest and industrious life. The court may order that the juvenile offender released under this clause be placed under the supervision of a probation officer.

(2) If it appears to the court, on receiving a report from the probation officer or otherwise, that the offender

has not been of good behaviour during the period of his probation, it may after making such enquiry as it deems fit, order the offender to be detained in a certified school.

Appointment of probation officers.

29. (1) A probation officer shall be—

(*a*) any person appointed to be a probation officer by the Government, or

(*b*) any person appointed for this purpose by a society recognised in this behalf by the Government, or

(*c*) when there is no person appointed under clause (*a*) or (*b*), any other person appointed from time to time by the court for any particular case subject to general or special orders of the Government.

(2) A probation officer, in the exercise of his duties under any supervision order, shall be subject to the control of the District Magistrate of the district in which the court which passes any order under this Act in respect of the child is situate.

Duties of probation officers.

30. A probation officer shall, subject to the rules made under this Act and to the directions of the court—

(*a*) visit or receive visits from the child or the juvenile offender at such reasonable intervals as may be specified in the order passed by the court or subject thereto, as the probation officer may think fit;

(*b*) see that the relative of the child or the juvenile offender, as the case may be, or other person to whose care such child or juvenile offender is committed, observes the conditions of the bond;

(*c*) report to the court as to the behaviour of the child or the juvenile offender, as the case may be;

(*d*) advise, assist and befriend the child or the juvenile offender and when and where necessary, endeavour to find him suitable employment; and

(*e*) perform any other duty which may be prescribed.

Power to order parent to pay fine, etc., instead of child.

31. (1) Where a child is found to have committed an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall if the child is under fourteen years of age, order that the fine be paid by the parent or guardian of the child, unless the court is

satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so; but save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

(4) A parent or guardian may appeal against any such order as if it had been an order passed in proceedings against himself.

32. (1) When a child is found to have committed an offence of so serious a nature that the court is of opinion that no punishment which, under the provisions of this Act, it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

(2) Notwithstanding the provisions of section 25, the Government may order any such child to be detained in such place and on such conditions as it thinks fit and while so detained the child shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child could have been sentenced for the offence committed.

33. (1) Where a child charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether—

(*a*) by discharging the offender after due admonition; or

(*b*) by committing the offender to the care of his parent, guardian, other adult relative, or other fit person, on such parent, guardian, relative or person executing a bond to be responsible for his good behaviour; or

(*c*) by so discharging the offender and placing him under the supervision of a person named by the court; or

(*d*) by releasing the offender on probation of good conduct; or

(*e*) by sending the offender to a certified school; or

(*f*) by sentencing the offender to caning, administered by way of cuts not exceeding six on each hand in cases where the conduct of the offender has been such as to lead the court to believe that no other punishment would be effective; or

(*g*) by ordering the offender to pay a fine; or

(*h*) by ordering the parent or guardian of the offender to pay a fine; or

(*i*) where the offender is a child of fourteen years of age or upwards, by sentencing him to imprisonment; or

(*j*) by dealing with the case in any other manner in which it may legally be dealt with:

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

(2) Where a child is charged with an offence punishable with fine only, and is dealt with under clause (*g*) of sub-section (1), the court may in default of payment of fine order the offender to be sent to a certified school for a period not exceeding three years.

Investigation of character and circumstances.

34. For the purpose of determining the sentence or order which a court ought to pass or make under this part against any person tried by or brought before it, the court shall, after recording its finding on the facts of the case, have regard to the character of the person and the circumstances in which he is living as disclosed by the facts of the case or, on further inquiry, by any other evidence or information.

PART V.

PROHIBITION OF PUBLICATION OF NAMES, ADDRESSES OR OTHER DETAILS CONCERNING CHILDREN INVOLVED IN OFFENCES.

Penalty for publishing names and addresses of children involved in offences.

35. (1) No report in any newspaper or news sheet of any offence by or against a child or of any proceedings in any court relating to such offence shall disclose the name, address or school, or include any particulars calculated to lead to the indentification of any such child, nor shall any picture be published as being or including a picture of any such child.

(2) Any person who publishes any report or picture in contravention of the provisions of this section shall be punishable with imprisonment of either description for a term not exceeding two months or with fine or with both.

PART VI.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO CERTIFIED SCHOOLS OR COMMITTED TO THE CARE OF RELATIVES OR OTHER FIT PERSONS.

Contribution of parent.

36. (1) The court which makes an order for the detention of a child or * Juvenile offender in a certified school or for the committal of a child or * Juvenile offender, to the care of a relative or other fit person may make an order on the parent or other person liable to maintain the child, or * Juvenile offender to contribute to his maintenance, if able to do so, in the prescribed manner.

(2) The court before making any order under subsection (1) shall inquire into the circumstances of the parent or other person liable to maintain the child or * Juvenile offender and shall record the evidence if any, in the presence of the parent or such other person as the case may be or, when his personal attendance is dispensed with, in the presence of his pleader.

(3) Any order made under this section may from time to time be varied by the court.

(4) The persons liable to maintain a child or * Juvenile offender shall for the purpose of subsection (1) include in the case of illegitimacy his putative father:

Provided that where the child, or Juvenile offender is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1904, the court shall not ordinarily make an order for contribution against the putative father, but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them, as the case may be, towards the maintenance of the child or * Juvenile offender.

(5) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1904.

Boarding out of children.

37. The managers of a certified school to which a child under the age of eight years is sent may, with the consent of the Chief Inspector, board the child out with any suitable person until the child reaches the age of ten years and thereafter for such longer period, with the consent of the Chief Inspector, as the managers consider to be advisable in the interest of the child, subject to the exercise by the managers of such powers as to supervision, recall, and otherwise as may be prescribed; and where a child is so boarded out he shall nevertheless be deemed for the purposes of this Act to be a child detained in the school, and the provisions of this Act shall apply accordingly, subject to such necessary adaptations as may be made by the Government.

Placing out on licence.

38. (1) Where a child or * Juvenile offender is detained in a certified school, the managers of the school may at any time, with the consent of the Chief Inspector, by licence permit the child or juvenile offender on the conditions prescribed in this behalf to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him with a view to educate him or train for some useful trade or calling.

(2) Subject to the prescribed conditions, the Chief Inspector may, on the recommendation of the visitors or managers of a certified school, at any time after the expiration of six months from the commencement of the detention of a juvenile offender in a certified school, and if satisfied that there is a reasonable probability that the juvenile offender will abstain from crime and lead a useful and industrious life, release such offender from the school and grant him a written licence in the prescribed form

and on the prescribed conditions, permitting him to live under the supervision and authority of such responsible person or society approved by the Chief Inspector as may be willing to take charge of the offender.

(3) Any licence granted under sub-section (1) or (2) shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

(4) The managers of the school or the Chief Inspector, as the case may be, may at any time by order in writing revoke any such licence, and order the child or juvenile offender to return to the school and shall do so at the desire of the person or society with whom or under whose supervision the child or juvenile offender is licensed to live. If the child or juvenile offender refuses or fails to return to the school, the managers of the school or the Chief Inspector, as the case may be, may, if necessary, arrest or cause to be arrested, the child or juvenile offender and take him or cause him to be taken to the school.

(5) When a licence has been revoked or forfeited and the child or juvenile offender refuses or fails to return to the school, the court may, if satisfied by information on oath or solemn affirmation that there is reasonable ground for believing that his parent or guardian could produce the child or juvenile offender, issue a summons requiring the parent or guardian to attend at the court on such a day as may be specified in the summons and to produce the child or juvenile offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be punished with a fine which may extend to fifty rupees.

(6) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

(7) The time during which a child or juvenile offender is absent from a certified school in pursuance of a licence under this section shall be deemed to be part of the time of his detention in the school: provided that, where a child or juvenile offender has failed to return to the school on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

39. Whoever—

Penalty for abetting escape of juvenile offender or child.

(*a*) knowingly assists or induces, directly or indirectly, a child or juvenile offender detained in or placed out on licence from a certified school or escape from the school or from any person with whom he is placed out on licence, or any child to escape from the person to whose care he is committed under the provisions of this Act;

(*b*) knowingly harbours, conceals, or prevents from returning to school or to any person with whom he is placed out on licence or to whose care he is committed under this Act, a child, or juvenile offender, who has so escaped, or knowingly assists in so doing—

shall be punishable with imprisonment of either description for a term which may extend to two months or with fine which may extend to two hundred rupees, or with both.

Period of detention.

40. The period for which a child or juvenile offender is to be detained in a certified school shall be specified in the order in pursuance of which he is sent there, and shall be such period not being less than two years in the case of a juvenile offender who at the date of the order is over the age of fifteen years and three years in the case of other juvenile offenders as to the court may seem proper of his teaching and training, but not in any case extending beyond the time when he will, in the opinion of the court, attain the age of eighteen years.

Discharge and transfer.

41. (1) The Government may at any time order a child or juvenile offender to be discharged from a certified school, either absolutely or on such conditions as the Government approves.

(2) The Government may order a juvenile offender over the age of sixteen years detained in a certified school to be transferred to a Borstal School established under the Mysore Borstal Schools Act, in the interest of discipline or for other special reasons:

Provided that the whole period of the detention of the child or juvenile offender shall not be increased by the transfer.

(3) Upon the transfer of a juvenile offender to a Borstal School under sub-section (2), the provisions of the the Mysore Borstal Schools Act shall apply to such offender as if he had been originally ordered to be detained in a Borstal School under that Act.

The Government may at any time in its discretion discharge a child from the care of any person to whose care he is committed under this Act, either absolutely or on such conditions as the Government approves, and may, if it thinks fit, make rules in relation to children so committed to the care of any person and to the duties of such person with respect to such children.

Transfer from one certified school to another.

42. The Chief Inspector may direct any child or juvenile offender to be transferred from one certified school to another:

Provided that the total period of detention of the child or juvenile offender shall not be increased by such transfer.

PART VII.

Certified Schools and other Institutions.

Establishment and certification of schools.

43. (1) The Government may establish and maintain schools for the reception of children and juvenile offenders.

(2) The Government may certify that any school or other educational institution not established under sub-section (1) is fit for the reception of childern or juvenile offenders.

Management of schools.

44. (1) For the control and management of every school established under sub-section (1) of section 43, a superintendent and a committee of visitors shall be appointed by the Government, and such superintendent and committee shall be deemed to be the managers of the school for the purposes of this Act.

(2) Every school certified under sub-section (2) of section 43 shall be under the management of a governing body who shall be deemed to be the managers of the school for the purposes of this Act.

Inspection of schools.

45. (1) The Government may appoint a chief inspector of certified schools and such number of inspectors and assistant inspectors as it thinks advisable to assist the chief inspector and every person so appointed to assist the chief inspector shall have such of the powers and duties of the chief inspector as the Government directs but shall act under the direction of the chief inspector.

(2) Every certified school shall, at least once in every six months, be inspected by the chief inspector of certified schools, or by an inspector or assistant inspector: provided that where any such school is for the reception of girls only and such inspection is not made by the Chief Inspector, the inspection shall, where practicable, be conducted by a woman.

Power of Inspectors.

46. A certified school shall be liable to inspection at all times and in all its departments by the Chief Inspector or inspector or assistant inspector.

Medical inspection.

47. Any registered medical practitioner empowered in this behalf by the Government may visit any certified school at any time with or without notice to its managers in order to report to the Chief Inspector on the health of the inmates and the sanitary condition of the school.

Power of Government to withdraw certificate.

48. The Government, if dissatisfied with the condition, rules, management, or superintendence of a certified school, may at any time by notice served to the managers of the school, declare that the certificate of the school is withdrawn as from a time specified in the notice, and at that time the withdrawal of the certificate shall take effect and the school shall cease to be a certified school:

Provided that the Government may, if it thinks fit, instead of so withdrawing the certificate, by notice served on the managers of the school, prohibit the admission of children or juvenile offenders to the school for such time as may be specified in the notice or until the notice is revoked:

Provided also that, before the issue of notice under this section or under the first proviso thereto, a reasonable opportunity shall be given to the managers of the school to show cause why the certificate shall not be withdrawn or admission to the school shall not be prohibited, as the case may be.

Registration of certificate by managers.

49. The managers of a certified school may, on giving six months' notice in writing to the Government through the Chief Inspector of their intention so to do, resign the certificates of the school, and accordingly at the expiration of six months from the date of the notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect and the school shall cease to be a certified school.

Effect of withdrawal or registration of certificate

50. A child or juvenile offender shall not be received into a certified school in pursuance of this Act after the date of the receipt by the managers of the school of a

notice of withdrawal of the certificate or after the date of a notice of resignation of the certificate; but the obligation hereinafter mentioned of the managers to teach, train, lodge, clothe and feed any children or juvenile offenders detained in the school at the respective dates aforesaid shall, except so for as the Government otherwise directs, continue until the withdrawal or resignation of the certificate takes effect.

Disposal of inmates on withdrawal of registration certificate.

51. When a school ceases to be a certified school, the children or juvenile offenders detained therein shall be either discharged absolutely or on such conditions as Government may impose or transferred by order of the Government to some other certified school in accordance with the provisions of this Act relating to discharge and transfer.

Auxiliary homes.

52. The Government may establish auxiliary homes for reception of any inmates or any classes of inmates of certified schools or may certify any other such home heretofore established or which hereafter may be established by any other agency, and the certificates may be withdrawn or resigned in like manner as a certificate of a school, and every such home shall, for such purposes as are specified by the Government, be treated as part of the certified school or school to which it is attached.

Liabilities of managers.

53. The managers of a certified school not established by the Government may decline to receive any child or juvenile offender, proposed to be sent to them in pursuance of this Act, but when they have once accepted any such child or juvenile offender, they shall be deemed to have undertaken to teach, train, lodge, clothe and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school.

Inspection of institutions for reception of poor children.

54. (1) The Government may cause any institution for the reception of poor children supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of any department of the Government, to be visited and inspected from time to time at all reasonable hours, by persons appointed by it for the purpose of securing the health and welfare of the children and the sanitation of the premises.

(2) Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all registers, relating thereto for the aforesaid purposes. Any person who

obstructs him in the execution of his duties shall be liable on conviction to a fine not exceeding fifty rupees.

(3) Where any such institution is carried on in accordance with the principles of any particular religious denomination the Government shall, if so desired by the managers of the institutions, appoint, where practicable, a person of that denomination to visit and inspect the institutions.

(4) Where any such institution is for the reception of girls only, the inspection shall, where practicable, be conducted by a woman.

PART VIII.

JUVENILE COURTS

Juvenile Courts.

55. (1) The Government may provide for the establishment in any area of one or more separate courts for the conduct of proceedings under this Act at which the attendance of the child is required:

Provided that, where a child is accused of an offence triable jointly with any other person not being a child, nothing in this sub-section shall affect or be deemed to affect the powers of the court to try such other person under any other law for the time being in force.

(2) Where no such separate court has been established, the court before which a child is brought shall, unless the child is tried jointly with any other person not being a child, whenever practicable sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART IX.

MISCELLANEOUS.

Provision as to religion.

56. (1) In determining the certified school which a child or juvenile offender is to be sent under this Act, the court shall ascertain the religious denomination of the child or juvenile offender and shall, if possible, select a school in which facilities are afforded for instruction in his religion.

(2) In determining the person to whose care a child hall be committed under this Act, the Court shall ascerain the religious denomination of the child, and shall, if ossible, select a person of the same religious denomination or a person who gives such undertaking as seems o the court sufficient that the child will be brought up in ccordance with the religion of the child and such religion hall be specified in the order.

(3) In any case where a child has been committed ursuant to any such order to the care of a person who is ot of the religious denomination of the child or who has ot given such undertaking as aforesaid, the court which ade the order or any court of like jurisdiction shall, on e application of any person in that behalf and on its ppearing that a fit person of the religious denomination f the child or who will give such undertaking as aforesaid willing to undertake the care of the child, make an rder committing him to the care of such fit person.

(4) When a child is committed to the care of a ertified school in which facilities for instruction in his eligion are not afforded or to a person who does not give n undertaking that the child entrusted to him will be rought up in his religion (for want of a certified school r person of the religion of the child), the court shall take n undertaking from such school or such person that the hild shall not be brought up in any religion other than is own.

(5) Where a child is boarded out or where a child r juvenile offender is permitted by license to live with ny other person, the manager of the school shall select or this purpose a person of the same religion as the child, r juvenile offender, as the case may be, if such person is vailable, and if no such person is available then a person who gives a satisfactory undertaking that the child or juvenile offender shall be brought up in accordance with the religion of such child, or juvenile offender, and if no such person is available then another person within the provisions of section 37 or 38, as the case may be.

(6) When a child has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child shall be liable to be removed from the care of such person and dealt with according to the provisions of sub-section (3) of this section.

(7) Whenever any person interested in the religion of the child is informed of any attempt at conversion or tampering with his religion, he may apply to the court for an enquiry, and the court on being satisfied may issue an order removing the said child from the custody of such institution or person and hand over the custody to another fit person or institution.

Committal to an approved place of a child suffering from venereal or tubercular disease.

57. When a child who has been brought before a magistrate under any of the provisions of this Act, is found to be suffering from a venereal or tubercular disease, the magistrate, if satisfied that medical treatment is necessary and the child will not otherwise get such treatment, may commit the child to an approved place for such period as he may think necessary, and may from time to time extend the said period.

Removal of disqualification attaching to convictions for offences.

58. When a child is found to have committed any offence, the fact that he has been so found shall not have any effect under Section 75 of the Indian Penal Code, or section 565 of the Code of Criminal Procedure, 1904, or operate as a disqualification for office or election under any law.

Control of custodian over child.

59. Any person to whose care a child is committed under the provisions of this Act shall, while the order is in force, have the like control over the child as if he were his parent, and shall be responsible for his maintenance, and the child shall continue in his care notwithstanding that he is claimed by his parent or any other person.

Bonds taken under the Act.

60. The provisions of Chapter XLII of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this Act.

Appeals.

61. (1) An appeal from an order made by a court under sections 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 18, 22, 36, 38, or 56 shall lie—

(*a*) if passed by a juvenile court, to a District Magistrate;

(*b*) if passed by any [illegible]e, to the court of Session; and

(*c*) if passed by a Court of Session, to the High Court.

(2) No appeal shall lie from any order passed in any such appeal.

(3) Any order passed under the provisions of this Act and not subject to appeal under sub-section (1) may be revised by the High Court.

Powers to amend orders.

62. Without prejudice to the powers of courts of appeal and revision, any custody order, supervision order or probation order may be amended by the court which made the order, in respect of the person named as custodian, supervisor or probation officer, the period of duration, and such matters of detail as may be prescribed.

Rules.

63. (1) The Government may take rules for the purpose of carrying into effect the provisions of this Act

(2) In particular, and without prejudice to the generality of the foregoing, such rules may be made with regard to—

(*a*) the establishment and maintenance of certified schools and auxiliary homes, and the certification of schools as certified schools and of auxiliary homes;

(*b*) the management of certified schools and auxiliary homes;

(*c*) the appointment of visitors and their tenure of office;

(*d*) the inspection of certified schools;

(*e*) the maintenance, education and industrial training of the inmates of certified schools;

(*f*) the conveyance of juvenile offenders and children to certified schools;

(*g*) the grant of permission to the inmates of certified schools to absent themselves for short periods;

(*h*) visits to and communication with the inmates of certified schools;

(*i*) the punishment of offences committed by the inmates of certified schools;

(*j*) the inspection of the institutions referred to in section 54;

(*k*) the manner of detention of children under arrest or remanded or committed for trial;

(*l*) the procedure to be adopted in any case or inquiry under this Act before any court other than a juvenile court;

(*m*) the persons who may be authorised to act under section 5 or 17;

(*n*) the manner in which a child may be committed to the care of relative or other fit person, and the duties of such persons and the supervision of such children:

(*o*) the conditions subject to which a juvenile offender may be released on licence under sub-section (2) of section 38 and the form and conditions of such licence;

(*p*) the manner in which the juvenile offender may be released on probation;

(*q*) matters incidental to the appointment, resignation and removal of probation officers and the remuneration and expenses payable to them;

(*r*) the duties of probation officers;

(*s*) the conditions on which societies may be recognized by the Government for providing probation officers;

(*t*) the contribution by parents and other persons liable to maintain juvenile offenders and children;

(*u*) the boarding out of children and the licensing and supervision of children and juvenile offenders and the submission reports regarding them;

(*v*) the procedure to be adopted in juvenile courts; and

(*w*) the time within which appeals under section 61 shall be filed.

(3) All rules made under this section shall be published in the official Gazette, and on such publication they shall have the same effect as if enacted in this Act.

(Sd) N. Madhava Rau
Dewan

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. [illegible] Dated, Bangalore 11th Aug 1943

Ordered that the accompanying Mysore Borstal Schools Act 1943

which received the assent of His Highness the Maharaja, on the 28th day of July 1943, be published as Act No. XLVI of 1943, in the *Mysore Gazette*, for general information.

[illegible] 12.8.43 ~~General~~ Secretary to Government.
Law Department

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

3. We think that the Bill has not been so altered as to require republication, and we recommend that it be passed as now amended.

(Sd.) J. MAHOMED IMAM
(*Chairman*).
" M. SESHADRI.
" V. V. MONTEIRO,
" C. NARAYANASWAMY NAIDU.
" C. LAKSHMANA GOWDA.
" BELUR SRINIVASA IYENGAR.
" A. R. BADRI NARAYAN.
" O. S. NASRULLA SHERIFF.
" M. MADIAH.

BANGALORE,

Dated 6th March 1943.

The following members were not present at the meeting

(1) *Rajasevasakta* N. M. Wadia.
(2) Srimati Nagamma Srikantiah.
(3) Deva Rao Shivaram.

[As Amended by the Select Committee]

[Words underlined or side-lined indicate the amendments suggested by the Committee. Omissions are indicated by asterisks.]

Act No XLVII of 1943

THE MYSORE BORSTAL SCHOOLS ~~BILL~~. Act 1943

(The assent of His Highness the Maharaja was given on the 28th day of July 1943)

~~A Bill~~ to provide for the Establishment and Regulation of Borstal Schools in Mysore.

WHEREAS it is expedient to provide for the establishment and regulation of Borstal Schools in Mysore;

It is hereby enacted as follows :—

PART I.

PRELIMINARY.

Short title.

This Act may be called the Mysore Borstal Schools Act.

Extent and commencement.

2. (1) This Act shall apply to the whole of Mysore.

(2) It shall come into operation in any local area in Mysore on such date as the Government may, by notification in the official Gazette, appoint in this behalf.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Borstal School" means a place in which offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;

(*b*) "Inspector-General" means the Inspector-General of Prisons and includes any officer appointed by the Government to perform all or any of the duties imposed by this Act on the Inspector-General; and

(*c*) "Prescribed" means prescribed by rules made under this Act.

(*d*) "Prohibited Article" means an article, the introduction or removal of which into, or out of, any Borstal Institution is prohibited by any rule under this

4. (1) For the purposes of this Act, the Government may establish one or more Borstal Schools.

(2) For every Borstal School, a Visiting Committee shall be appointed in such manner as may be prescribed.

5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, the Prisons Act, and the Mysore Prisoners Testimony Act, 1894, and the rules framed thereunder shall apply in the case of every Brostal School established under this Act as if it were a prison and the inmates prisoners.

PART II.

COMMITTAL TO BORSTAL SCHOOLS.

6. When an offender is found guilty of an offence for which he is liable to be sentenced to transportation or imprisonment, or is liable to imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1904, whether any previous conviction is proved against him or not, and it appears to the Court—

(*a*) that the offender is not less than sixteen or, in any district or place in which the Mysore Children Act,—, is not in operation, less than fifteen nor more than twenty-one years of age; and

(*b*) that by reason of his criminal habits or tendencies or association with persons of bad character it is expedient that the offender should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation; it shall be lawful for the court, if empowered in this behalf, to pass, in lieu of a sentence of transportation or imprisonment, or of an order of imprisonment under Section 123 of the Code of Criminal Procedure, 1904, an order for the detention of the offender in a Borstal School for a term, which shall not be less than three years and shall not exceed five years, but in no case extending beyond the date on which the offender will, in the opinion of the court, attain the age of twenty-three years:

Provided that before passing such an order the court shall give an opportunity to the parents or guardians of the said offender to be heard, and shall consider any report or representation which may be made to it as to the

suitability of the case for treatment in a Borstal School, and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid:

Provided further that no person who has been previously detained for the whole period prescribed in an order of detention or who has been transferred to prison under Section 13 of this Act, shall again be ordered to be detained.

Power of Governme to exempt.

7. The Government may, by rules made under this Act, direct that any class or classes of persons specified in such rules shall not be ordered to be detained in a Borstal School.

Courts empowered to pass order for detention.

8. The powers conferred on courts by this Act shall be exercised only by the High Court, a Court of Session, a District Magistrate, a Sub-Divisional Magistrate, or a Magistrate of the First Class, and may be exercised by such courts whether the case comes before them originally, or on appeal, or in revision.

Procedure when Magistrate is not empowered to pass an order under this Act.

9. (1) When any Magistrate not empowered to pass an order for detention under this Act is of opinion that an offender who has been found guilty by him or who has failed to furnish the security which the Magistrate has ordered him to furnish under Chapter VIII of the Code of Criminal Procedure, 1904, is a proper person to be detained in a Borstal School, he may without passing any order, record such opinion and submit his proceedings and forward the offender to the District Magistrate to whom he is subordinate.

(2) The District Magistrate to whom the proceedings are so submitted may transfer the proceedings to any Magistrate subordinate to him competent to pass an order under this Act.

(3) The District Magistrate to whom the proceedings are so submitted or any Magistrate to whom the proceedings are so transferred may make such further inquiry (if any) as he may think fit, and may pass such order for the detention of the offender in a Borstal School, or such other sentence or order, as he might have passed if such offender had originally been brought before or tried by him.

10. Any offender detained in a Borstal School or failure to furnish security when ordered to do so under Section 106 or Section 118 of the Code of Criminal Procedure, 1904, shall be released on furnishing such ecurity or on the passing of an order under Section 124 f the said Code.

Limitation of powers conferred by Section 6.

11. The Inspector-General may, if satisfied that a erson undergoing transportation or imprisonment in onsequence of a sentence passed either before or after the ommencement of this Act, being within the limits of ge within which persons may be ordered to be detained a Borstal School under this Act, might with advantage e detained in such school, direct him to be transferred om prison to a Borstal School, there to serve the whole any part of the unexpired residue of his sentence, and hilst detained in such a school, the provisions of this ct shall apply to such person as if he had been originally dered to be detained in a Borstal School.

Transfer from prison to Borstal School.

12. (1) Before passing a sentence under Section 6, e court shall enquire into the age of the offender and after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be.

Preliminary enquiry and findings as to age of offender.

(2) A similar enquiry shall be made and finding recorded by every Magistrate not empowered to pass sentence under Section 6 before submitting his proceedings and forwarding of the offender to the District Magistrate as required by Sub-section (1) of Section 9.

13. (1) Where an offender detained in a Borstal School escapes or is reported to the Government by the Inspector-General in consultation with the Visiting Committee to be incorrigible or to exercise a bad influence on the other inmates of the school, the Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Government may determine, but in no case exceeding the shortest of the following three periods :—

Transfer of incorrigibles, etc. to prison.

(*a*) the unexpired residue of the term of detention ;

or

(*b*) the maximum period of imprisonment provided by law for the offence of which the offender was found guilty or the failure to give security, as the case may be, in consequence of which

the offender was ordered to be detained in a Borstal School;

(c) the maximum period of imprisonment which the court that tried him had authority to award under the Code of Criminal Procedure, 1904.

(2) Such offender may be confined in any prison in Mysore by warrant under the hand of a Secretary to Government, and effect shall be given to such warrant and the sentence of imprisonment passed upon such offender shall be executed in the same manner as if such person had been sentenced by a competent court of criminal jurisdiction.

Government to determine the Borstal School in which a person shall be detained.

14. (1) Every offender ordered to be detained in a Borstal School shall be detained in such Borstal School as the Government may, by general or special order, or in the prescribed manner, appoint for the reception of persons so ordered to be detained:

Provided that if accommodation in a Borstal School is not immediately available for such offender, he may be detained in a special ward, or such other suitable part of a prison as the Government may direct, until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal School.

Transfer from one school to another.

(2) The Inspector-General may order the transfer of any offender from any one Borstal School to any other Borstal School, provided that the whole period of his detention in a Borstal School shall not be increased by such transfer.

PART III.

RELEASE ON LICENSE.

Power to release on license.

15. (1) Subject to the prescribed conditions, the Inspector-General may, on the recommendation of the Visiting Committee, at any time after the expiration o six months from the commencement of the detention o an offender in a Borstal School, if he is satisfied tha there is a reasonable probability that the offender wil abstain from crime and lead a useful and industrious life discharge him from the Borstal School and grant him written license in the prescribed form and on th

prescribed conditions permitting him to live under the supervision and authority or such—

(*a*) officer of Government,
(*b*) secular institution,
(*c*) religious society, or
(*d*) responsible person,

as may be approved by the Inspectorr-General and willing to take charge of the offender.

(2) A license under this section shall be in force until the expiry of the term for which the offender was ordered to be detained in a Borstal School, unless sooner revoked.

(3) The period during which an offender is absent from a Borstal School during the continuance of a license granted to him under this section shall, for the purposes of computing his term of detention in such school, be deemed to be part of that detention.

Revoc of lice

16. (1) Subject to the prescribed conditions, the Inspector-General may at any time, and shall, at the request of the institution, society or person under whose supervision and authority the offender has by license been permitted to live, revoke a license granted under Section 15, and upon such revocation the offender shall be detained in a Borstal School until the expiry of the term for which he was ordered to be detained in such school.

(2) If an offender removes himself from the supervision of the institution, society or person under which he was by license permitted to live, his license shall be deemed to have been revoked from the date on which he has so removed himself.

Subsequent supervision.

17. (1) When the Inspector-General and the Visiting Committee report that the conduct of any offender detained in a Borstal School has been such that it is expedient that he shall remain under supervision for a further period after the end of the term of detention, the Government may direct that he shall, on the expiration of the term of his detention, remain for a further period not exceeding one year under the supervision of such authority, society or person as the Inspector-General, subject to the rules made under this Act, may direct.

(2) The Government may also direct that any offender who is under supervision in accordance with subsection (1) shall again be detained in a Borstal School for such period as it may think fit, provided that the total

period of detention under this section shall not exceed one year.

Period of detention.

18. No person shall be detained in a Borstal Scl after he has, in the opinion of the Government, attai the age of twenty-three years, or, if in any particular (the Government so directs, after he has attained the of twenty-five years.

Arrest of offender escaping from Borstal School, or escaping from supervision.

19. Any offender who, in contravention of provisions of this Act, has escaped from a Borstal Sch or has escaped from the supervision of any autho institution, society or person under whose supervisior has been directed to remain, or has been permitted to by license under Section 15, may be arrested by officer of Police without warrant and without the orde a Magistrate and sent back to the Borstal School c such authority, institution, society or person, as the (may be, and his license shall be forfeited with effect f the date of his escape.

PART IV.

CONTROL AND MANAGEMENT OF BORSTAL SCHOOLS

Management of Borstal Schools.

20. Subject to the orders of the Inspector-Gen and subject also to the rules made by the Governmen, the control and management of every Borstal School shall vest in a Superintendent appointed by the Government.

Constitution, powers and duties of Visiting Committee

21. (1) (*a*) Every Visiting Committee appointed under sub-section (2) of Section 4 shall consist of the Sessions Judge, the District Magistrate, the District Educational Officer of the District in which the school s situated, and four non-official members appointed by he Government.

(*b*) The non-official members shall hold office for a period of two years, but shall be eligible for re-appointment on the expiry of that period.

(2) It shall be the duty of the Visiting Committee and its members—

(*a*) to visit the school either individually or collectively on such occasions as may be fixed by the rules made under this Act in that behalf for the purpose of ensuring that the provisions of this Act are duly given effect to;

(*b*) to make such suggestions for the improvement of the training therein as are considered necessary and to report to the Government or to the Inspector-General from time to time any matter, which in their opinion, should receive attention and annually on the progress of the school;

(*c*) to interview the inmates immediately after their arrival and to make suggestions, if any, as to the special training which each should receive;

(*d*) to consider cases of release on license under sub-section (1) of Section 15 placed before them by the Superintendent; and

(*e*) to consider such action as may be necessary in regard to the inmates whose term of detention is about to expire.

(3) Subject to such rules as may be made in that behalf by the Government, every member of the Committee shall be entitled to call for information from the Superintendent, to examine the records of the school, and to take such other action as he deems necessary for the due discharge of his duties.

22. (1) The inmates of a Borstal School shall be divided by the Superintendent according to their industry and good conduct into four grades, namely—

(*a*) the penal grade,
(*b*) the ordinary grade,
(*c*) the star grade,
(*d*) the special star grade,

(2) The privileges of each grade shall be higher than those of the grade preceding, if any.

(3) Every inmate shall, on reception in a Borstal School, be placed in the ordinary grade.

(4) The Superintendent may promote or reduce any inmate from one grade to another in accordance with the provisions of sub-section (5), the rules made under this Act, and the general instructions of the Visiting Committee.

(5) Promotions and reductions shall be regulated by close personal observation of the inmates, and shall depend specially on their general behaviour, amenability

to discipline and attention to instruction, both literar and industrial.

Punishments for offences.

23. (1) The punishments which may be inflicted o an inmate of a Borstal School for offences specified in th Prisons Act, ...and the rules made thereunder shal be in the following forms and in no other :—

(i) formal warning,
(ii) extra drill,
iii) deprivation of any of the privileges of the grade
iv) reduction in grade.

(v) penal diet, *i.e.*, restriction of diet in such manne and subject to such conditions as mav prescribed.

(2) No punishment shall be awarded to any inmate by any official of the school except by the Superintendent or in his absence the official exercising his functions.

Penalty for introduction or removal of prohibited articles.

24. Whoever, contrary to any rule under Section 27, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any Borstal Institution, or supplies or attempts to supply to any inmate outside the limits of such institution any prohibited articles, and every officer of a Borstal Institution who, contrary to such rule, knowingly suffers any such articles to be introduced into or removed from any Borstal Institution to be possessed by any inmate, or to be supplied to any inmate outside the limits of a Borstal Institution, and whoever, contrary to any such rules, communicates or attempts to communicate with any inmate, and whoever abets any offence made punishable under this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months or to fine not exceeding two hundred rupees or to both.

Limitation of hours of work

25. No inmate of a Borstal School shall be made to work for more than eight hours a day :

Provided that extra drill awarded as a punishment under sub-section (1) of Section 23 shall not be deemed, for the purposes of this section, to be work.

Probation officers.

26. (1) For every inmate released under sub-section (1) of Section 15 there shall be a probation officer appointed by the District Magistrate in consultation, with the Borstal Association, if any, in the district wherein the

school is situated or in the district wherein the inmate permanently resided at the time * * * an order of detention was passed against him under Section 6.

(2) Two months prior to the release of any inmate, the Superintendent shall request the District Magistrate to appoint a suitable probation officer as provided in sub-section (1).

(3) The District Magistrate shall communicate all appointments of probation officers made under sub-section (1) to the Superintendent in sufficient time for the inmates concerned being informed of their respective probation officers before their release from the school.

Explanation.—For the purpose of this section "District Magistrate" shall mean the District Magistrate of the district in which the inmate permanently resided at the time * * * an order of detention was passed against him under Section 6.

PART V.

RULES.

27. (1) The Government may make rules for the regulation and management of any Borstal School and for the carrying into effect of the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or determine—

(*a*) the control and management of Borstal Schools established under this Act;

(*b*) the appointment, powers and duties of officials in such schools;

(*c*) the constitution, powers and duties of Visiting Committees;

(*d*) the classification, control, discipline, training, instruction and treatment of offenders ordered to be detained in a Borstal School and for the temporary detention of such offenders until arrangements can be made for sending them to such school;

(*e*) the regulation of visits to, and communication with, offenders detained in such school;

(*f*) the restriction or prohibition of the supply to, or possession by offenders detained in such school of any specified articles or kinds of articles;

(*g*) the period for which offenders or any class or classes of offenders may, within the limits fixed by this Act, be ordered to be detained in such school;

(*h*) the class or classes (if any) of offenders who shall not be ordered to be detained in such school;

(*i*) the form and conditions of licenses granted under Section 15;

(*j*) the supervision of offenders after the expiration of the term of their detention;

(*k*) the transfer of incorrigible offenders from a Borstal School to prison.

(l) The manner of detention of the accused under arrest or remanded or on trial

(3) All rules made under this Act shall be published in the official Gazette, and on such publication shall have the same effect as if enacted in this Act.

PART VI.

APPEAL AND REVISION.

Appeal and revision.

28. (1) For the purposes of appeal and revision under the Code of Criminal Procedure, 1904, an order of detention under Section 6 of this Act, shall be deemed to be a sentence of imprisonment for the same period.

(2) Any person affected by an order of the Inspector-General under this Act may appeal to the Government, whose orders shall be final.

PART VII.

MISCELLANEOUS.

Power of Government to discharge an inmate.

29. The Government may at any time order the discharge of an inmate of any Borstal School either absolutely or subject to such conditions as it may think fit.

Detention in a Borstal School not to be deemed to be a disqualification.

30. The detention of an offender in a Borstal School shall not be deemed to be a disqualification attaching to a conviction for any offence.

(Sd.) N. Madhava Rau
Dewan

Printed by the Superintendent at the Government Press, Bangalore.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. RL 198. Leg 1943-4 **Dated, Bangalore,** 11th Aug **1943**

Ordered that the accompanying Mysore Prohibition of Offenders Act 1943

which received the assent of His Highness the Maharaja, on the 28th day of July 1943, be published as Act No. XLVII of 1943, in the *Mysore Gazette.* for general information.

BKR 12-8-43

~~General~~ *Secretary to Government.*

Law Dept

To

1 The Compiler, *Mysore Gazette,* for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per sta----- orders.

2. Copy to the Jn

2. The Bill was published, as required by the rules, in the official Gazette, dated the 26th November 1942, in English and Kannada.

3. As the Bill has undergone changes in material particulars, we recommend that the Bill, as amended, be republished.

(Sd.) J. MOHAMED IMAM
(*Chairman*)

,, M. SESHADRI.
,, V. V. MONTEIRO.
,, C. NARAYANASWAMI NAIDU.
,, C. LAKSHMANA GOWDA.
, L. S. RAJU.
M. RAMACHANDRA RAO SINDIA.

BANGALORE,
Dated 9th April 1943

Rajasevasakta H. Venkataramiah was not present at the meeting.

[~~AS AMENDED BY THE SELECT COMMITTEE.~~]

Words underlined or sidelined indicate the amendments suggested by the Committee. Omissions are indicated by asterisks.]

Act No LVII of 1943

THE MYSORE PROBATION OF OFFENDERS ~~BILL~~. 1943

An ~~A Bill~~ **Act to provide for the Release on Probation of Offenders.**

Received the assent of His Highness the Maha

WHEREAS it is expedient to provide for the release on probation of offenders in certain cases and for other matters incidental thereto;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Probation of Offenders Act.

(2) It extends to the whole of Mysore.

(3) This section shall come into force at once ; and the Government may, by notification in the official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in any local area on such date as may be specified in such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) the "Code" means the Code of Criminal Procedure, 1904 ;

(*b*) "Court" means a Court empowered to exercise powers under this Act ;

(*c*) "Probation order" means an order made under sub-section (1) of Section 5;

(*d*) "recognized society" means a society recognized by the Government for the purposes of Section 10 ;

(*e*) "supervision order" means an order made under sub-section (2) of Section 5 ; and

(*f*) words and expressions used but not defined in this Act and defined in the Code shall have the meanings assigned to them in the Code.

Courts empowered to pass orders under the Act.

3. (1) The following Courts are hereby empowered to exercise powers under this Act, namely :—

(*a*) The High Court.

(*b*) A Court of Session,

(*c*) A District Magistrate.

(*d*) A Sub-Divisional Magistrate.

(*e*) A Magistrate of the First Class.

(*f*) Any other Magistrate specially empowered in this behalf.

(2) The powers conferred under sub-section (1) may be exercised by such Courts, whether the case come before them originally or on appeal or in revision.

(3) Where any offender is convicted by a Magistrate ot empowered to exercise powers under this Act, and uch Magistrate is of opinion that the powers conferred y Section 4 or 5 should be exercised, he shall record his pinion to that effect and submit the proceedings to a Iagistrate of the First Class or Sub-Divisional Magistrate orwarding the offender to, or taking bail for his ppearance before such Magistrate, who shall dispose of he case in the manner provided by Section 380 of the Code.

Power of Court to release certain convicted offenders after admonition.

4. Notwithstanding anything contained in any nactment for the time being in force, in any case in which person is convicted of theft, theft in a building, dishonest isappropriation, or cheating, as defined in the Indian enal Code, as in force in Mysore or of any offence punishble with not more than two years' imprisonment or fine or oth and no previous conviction is proved against him, he Court by which he is so convicted may, if it thinks t, having regard—

(*a*) to the age, character, antecedents or physical r mental condition of the offender, and

(*b*) to the nature of the offence or any extenuating, ircumstances under which the offence was committed or reasons to be recorded in writing, instead of sentencing im to any punishment, release him after due admonition.

Power of Court to release certain convicted offenders on probation of good conduct.

5. (1) Notwithstanding anything contained in any nactment for the time being in force, when—

(*a*) any male person is convicted of an offence ot punishable with death or transportation for life, or

(*b*) any woman is convicted of an offence of any ind, if it appears to the Court by which the offender s convicted, that regard being had to the age, character, ntecedents or physical or mental condition of the offender r to the circumstances in which the offence was ommitted, it is expedient that the offender should be eleased on probation of good conduct, the Court may, for easons to be recorded in writing, instead of sentencing im at once to any punishment, direct that he be released n his entering into a bond, with or without sureties, to ppear and receive sentence when called upon during uch period not being less than one year and not exceeding

three years as the Court may direct and in the meantime to keep the peace and be of good behaviour:

Provided that the Court shall not pass a probation order under this section unless it is satisfied that the offender or one of his sureties (if any) has a fixed place of abode or regular occupation and is likely to continue to have such place of abode or such occupation, within the local limits of its jurisdiction during the period of the bond:

Provided also that if a person under twenty-one years of age is convicted of any offence under the Indian Penal Code, as in force in Mysore, or any other enactments prescribed in this behalf under rules made by the Government, which is punishable with imprisonment not exceeding six months, the Court shall take action under this section, unless for special reasons to be recorded in writing, it does not consider it proper to do so.

(2) Where the offender appears to the Court to be under the age of twenty-five years, the Court may for reasons to be recorded in writing, make an order, hereinafter called a supervision order, directing that the bond to be entered into under sub-section (1) shall contain a condition that the offender shall be under the supervision of a probation officer named in the order during the period specified therein and such other conditions as in the opinion of the Court may be necessary for securing such supervision:

Provided that the period so specified shall not extend beyond the date on which, in the opinion of the Court the offender shall attain the age of twenty-six years.

(3) While making a supervision order, the Court may also direct that the bond shall contain such additional conditions with respect to residence, abstertion from intoxicants and any other matters as the Court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or a commission of other offences by the offender.

(4) A Court making a supervision order shall furnish the offender with a written statement of the conditions which he is required to observe.

6. (1) A Court directing the release of an offender ınder Section 4 or 5 may order the offender to pay ;uch compensation for loss or injury caused to any person ɔy the offence and such costs of the proceedings as the Court thinks reasonable:

Power of court to require released offender to pay damages and costs, and recovery of such damages and costs.

Provided that the amount of compensation and costs ı awarded shall in no case exceed the amount of fine hich the Court could have imposed in respect of the fence.

(2) At the time of awarding compensation in any .bsequent civil suit relating to the same matter, the ɔurt shall take into account any sum paid or recovered compensation under sub-section (1).

(3) The amount ordered to be paid under this ction may be recovered as a fine in accordance with the ovisions of Sections 386 and 387 of the Code.

7. (1) Notwithstanding anything contained in the ɔde, except in cases in which the offender has pleaded ilty, or where the order is passed by the High Court, an peal shall lie from an order of conviction in every case which an order is passed under Section 4 or 5 to the ɪurt to which appeals ordinarily lie under the Code.

Appeal and powers of Court in appeal and revision.

* * * *

* * * *
* * * *
* * * *
* * * *
* * * *
* * * *
* * * *
* *

(2) When an order has been made under Section 4 5 in respect of any offender, the High Court, on appeal en there is a right of appeal to such Court, or when ɪrcising its power of revision, set aside such an order and lieu thereof pass such sentence on such offender ording to law:

Provided that the High Court shall not inflict a ater punishment than might have been inflicted by Court by which the offender was convicted

Provision in case of offender failing to observe condition of release.

8. (1) If the Court before which an offender is bound by his bond under Section 5 to appear and receive sentence when called upon or any Court which could have dealt with the offender in respect of his original offence, has reason to believe that the offender has failed to observe any of the conditions of his bond, it may issue a warrant for his arrest or may, if it thinks fit, issue a summons to the offender and his sureties, if any, requiring him or them to attend before it at such time as may be specified in the summons.

(2) The Court before which an offender is brought or appears under sub-section (1) may either remand him to custody until the case is heard or admit him to bail, with or without sureties, to appear on the date of hearing.

(3) If the Court, after hearing the case, is satisfied that the offender has failed to observe any of the conditions of his bond, including any conditions which may have been imposed under sub-section (2) or sub-section (4) of Section 5, it may forthwith—

(*a*) sentence him for the original offence, or

(*b*) without prejudice to the continuance in force of the bond, impose upon him a fine not exceeding one hundred rupees:

Provided that the Court passing a sentence of fine under clause (*a*) or (*b*) shall take into account the amount of compensation ordered to be paid under Section 6.

4) If a fine imposed under clause (*b*) of sub-section (3) is not paid within such period as the Court may fix the Court may sentence the offender for the orgina offence.

9. The provisions of Sections 122, 126, 126-A, 406-A 514, 514-A, 514-B, and 515 of the Code, shall, so far as may be, apply in the case of sureties given under this Act

10. (1) A probation officer named in a supervision order may be—

(*a*) any person appointed to be a probation officer by the Government, or

(*b*) any person nominated for this purpose with the previous approval of the Government by a recognized society, or

(*c*) any other person who, in the opinion of the Court, is a fit person to act as a probation officer in the special circumstances of the case.

(2) A probation officer named under sub-section (1) shall be a person who shall possess such qualifications as may be prescribed by rules made in this behalf.

(3) A probation officer, in the exercise of his duties under any supervision order, shall be subject to the control of the District Magistrate of the district in which the offender for the time being resides.

(4) The Court before which an offender is bound by his bond under Section 5 to appear and receive sentence when called upon, may at any time appoint another probation officer in place of the person named in the supervision order.

Duties of probation officers.

11. A probation officer shall, subject to the provisions of Section 10 and rules made under this Act and subject to the directions of the Court—

(*a*) visit or receive visits from the offender at such reasonable intervals as may be specified in the supervision order or, subject thereto, as the probation officer may think fit;

(*b*) see that the offender observes the conditions of the bond;

(*c*) report to the Court as to the behaviour of the offender;

(*d*) advise, assist and befriend the offender and when necessary, endeavour to find him suitable employment; and

(*e*) perform any other duty which may be prescribed by rules made under this Act.

Variation of conditions of probation on application by probation officers.

12. (1) The Court before which any person is bound by a bond under Section 5 to appear and receive sentence may at any time, upon the application of the probation officer or of its own motion, if it thinks that it is expedient that the terms or conditions of the bond should be varied, summon the offender to appear before it, and, if he fails to show cause why such variation should not be made, vary the terms of the bond by extending or diminishing the duration thereof or by altering any of the conditions thereof or by inserting additional conditions therein:

Provided that in no case shall the duration of the bond be less than one year or more than three years from the date of the original order, and where a supervision

order has been made under sub-section (2) of Section 5, the duration of the period of supervision shall not extend beyond the date on which, in the opinion of the Court, the offender shall attain the age of twenty-six years:

Provided further that, in the case of a bond with a surety or sureties, no such variation shall be made without the consent thereto of such surety or sureties, and that in the absence of such consent the Court shall in all such cases require the offender to enter into a new bond with or without sureties.

(2) Such Court may also, on application made by the probation officer or of its own motion, on being satisfied that the conduct of the offender has been such as to make it unnecessary that he should be kept any longer under supervision, discharge the bond.

13. Any person who is found guilty of an offence and is dealt with under the provisions of this Act shall not suffer any disqualification attaching to a conviction for the offence.

Provided that this Section shall not apply to a person released on probation if subsequent to such release he was sentenced under sub-section 3 of Section 8 or a penalty was imposed on him under that sub-section.

Power to make rules

14. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules—

(*a*) regulating the appointment, resignation and removal of probation officers and prescribing the qualifications of such officers;

(*b*) prescribing and regulating the duties of probation officers;

(*c*) regulating remuneration and expenses payable to probation officers;

(*d*) specifying conditions on which societies may be recognized for the purposes of clause (*b*) of sub-section (1) of Section 10; and

(*e*) prescribing the enactments referred to in the second proviso to Section 5 (1).

(3) All rules made under this section shall be published in the official Gazette, and on such publication shall have the same effect as if enacted by this Act

14. In any area in which this Act is in force, no Court shall make an order under Section 562 of the Code in respect of any first offender.

Barring of operation of Section 562 of Act II of 1904.

15. Nothing in this Act shall affect the provisions of the Mysore Children Act, 194, or the Mysore Borstal Schools Act, 194.

Saving of Mysore Children Act and the Mysore Borstal Schools Act.

(Sd). M. Madhava Rao
Dewan

Indian Express

MADRAS: FRIDAY, Nov. 27, 1942.

MADRAS PROBATION OF OFFENDERS ACT

Amending Act Assented To

MADRAS, Nov. 25.

His Excellency the Governor has given assent to the following Act: an Act to amend the Madras Phobation of Offenders Act, 1936.

The Act provides that any person who is dealt with under the provisions of the Act shall not suffer any disqualification attaching to a conviction for an offence. The concession would not be available to a person who has failed to observe the conditions of his release.

This amendment was based on the recommendation of the Madras Presidency Discharged Prisoners' Aid Society that a probationer who has satisfactorily completed his provision should not be subjected to the disqualifications attaching to a conviction for an offence.

The Governor has also given assent to an Act to amend the Madras Estates Land Act, 1908.

Law Dept

Please keep this cuttings in the file (from Fort St George Gazette) Bill in our file.

29/11

Submitted for perusal

Chief Secretary

27/11

27/11

ACT No. XLIV OF 1943.

THE MYSORE PRISONS ACT, 1943.

(Received the assent of His Highness the Maharaja on the 28th day of July 1943.)

An Act to amend the law relating to Prisons.

Price Re.0-1-6.

NOTIFICATION.

Order No. Rl. 195—*Legis.*, 19-43-1, *dated Bangalore, the* 17*th August* 1943.

Ordered that the accompanying Mysore Prisons Act, 943, which received the assent of His Highness the Maharaja, on the 28th day of July 1943, be published as act No. XLIV of 1943 in the *Mysore Gaette*, for general information.

C. NARAYANASWAMY NAIDU,

Secretary to Government,
Law Department.

ACT NO. XLIV OF 1943.

THE MYSORE PRISONS ACT, 1943

(Received the assent of His Highness the Maharaja on the 28th day of July 1943.)

An Act to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating prisons in Mysore;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Title and extent.

1. (1) This Act may be called the Mysore Prisons t, 1943.

(2) It extends to the whole of Mysore.

Repeal.

2. (1) On and after the twenty-eighth day of July 43 the Prisons Act, XXVI of 1870, which was extended Mysore by Notification of the Government of India, reign Department, Judicial No. 246 I. J., dated the 4th ptember 1879, shall be repealed.

(2) But all rules and appointments made, directions ven and orders issued under the said Act shall, so far as ey are consistent with this Act, be deemed to have been spectively made, given and issued under this Act.

(3) Any enactment or document referring to the d Act shall, so far as may be, be construed to refer to is Act or to the corresponding portion thereof.

3. In this Act—

(1) "prison" means any jail or place used perma nently or temporarily under the general or special order of the Government for the detention of prisoners, an includes all lands and buildings appertenant thereto, bu does not include—

(*a*) any place for the confinement of prisoners wh are exclusively in the custody of the police;

(*b*) any place specially appointed by the Govern ment under section 541 of the Code of Crimin Procedure, 1904;

(2) "criminal prisoner" means any prisoner dul committed to custody under the warrant or order of an Court or authority exercising criminal jurisdiction, or b order of a Court-martial:

(3) "convicted criminal prisoner" means an criminal prisoner under sentence of a Court or Court-ma tial, and includes a person detained in prison under th provisions of Chapter VIII of the Code of Crimin Procedure, 1904:

(4) "civil prisoner" means any prisoner who is no a criminal prisoner:

(5) "remission system" means the system und the rules for the time being in force regulating the awa of marks to, and the consequent shortening of sentenc of, prisoners in jails:

(6) "history-ticket" means the ticket exhibitin such information as is required in respect of each prison by this Act or the rules thereunder:

(7) "Inspector-General" means the Inspecto General of Prisons: and

(8) "Prohibited article" means an article th introduction or removal of which into or out of a prison prohibited by any rule under this Act.

CHAPTER II.

Maintenance and Officers of Prisons.

4. The Government shall provide, for the prisone in Mysore, accommodation in prisons constructed an regulated in such manner as to comply with the requis tions of this Act in respect of the separation of prisoner

5. An Inspector-General shall be appointed for ysore and shall exercise, subject to the orders of the overnment, the general control and superintendence of l prisons situated in Mysore. Inspector-General.

6. For every prison there shall be a Superintendent, Medical Officer (who may also be the Superintendent), Medical Subordinate, a Jailer and such other officers as e Government thinks necessary. Officers c prisons.

7. Whenever it appears to the Inspector-General at the number of Prisoners in any prison is greater than n conveniently or safely be kept therein, and it is not nvenient to transfer the excess number to some other ison, Temporary accommodation for prisoners.

or whenever from the outbreak of epidemic disease ithin any prison, or for any other reason, it is desirable provide for the temporary shelter and safe custody of y prisoners,

provision shall be made, by such officer and in such anner as the Government may direct, for the shelter d safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III.

Duties of Officers.

Generally.

8. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by rules under section 62. Control and duties of officers of prisons.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner. Officers not to have business dealings with prisoners.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest direct or indirect, in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner. Officers not to be interested in prison contracts.

Superintendent.

11. (1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the Government, the Superintendent of a prison other than a central prison shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector-General all such orders and the action taken thereon.

12. The Superintendent shall keep, or cause to be kept, the following records:—

(1) a register of prisoners admitted;

(2) a book showing when each prisoner is to be released;

(3) a punishment book for the entry of the punishment inflicted on prisoners for prison-offences;

(4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;

(5) a record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules under section 62.

Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Government under section 61.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information and for such action as he deems fit.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely:— Report on death of prisoner.

(1) the day on which the deceased first complained of illness or was observed to be ill,

(2) the labour, if any, on which he was engaged on that day,

(3) the scale of his diet on that day,

(4) the day on which he was admitted to ıospital,

(5) the day on which the Medical Officer was first nformed of the illness,

(6) the nature of the disease,

(7) when the deceased was last seen before his .eath by the Medical Officer,

(8) when the prisoner died, and

(9) (in cases where a *post-mortem* examination is nade) an account of the appearances after death, ogether with any special remarks that appear to the Iedical Officer to be required. A copy of the particulars hall be sent to the Inspector-General as soon as may be.

Jailer.

16. (1) The Jailer shall reside in the prison, unless he Superintendent permits him in writing to reside elsewhere.

(2) The Jailer shall not, without the Inspector-Ieneral's sanction in writing, be concerned in any other mployment.

17. Upon the death of a prisoner, the Jailer shall ive immediate notice thereof to the Superintendent and he Medical Officer.

18. The Jailer shall be responsible for the safe ustody of the records to be kept under section 12, for the ommitment warrants and all other documents confined ɔ his care, and for the money and other articles taken :om prisoners.

19. The Jailer shall not be absent from the prison ɔr a night without permission in writing from the Superinendent; but, if absent without leave for a night from navoidable necessity, he shall immediately report the ɜt and the cause of it to the Superintendent.

Powers of Deputy and Assistant Jailers.

20. Where a Deputy Jailer or Assistant Jailer is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Jailer under this Act or any rule thereunder.

Subordinate Officers.

Duties of gate-keeper

21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer.

Subordinate officers not to be absent without leave.

22. Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer.

Convict officers.

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

CHAPTER IV.

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

Prisoners to be examined on admission.

24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailer, a record of the state of the prisoner's health and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners, the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

Effects of prisoners.

25. All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use shall be placed in the custody of the Jailer.

26. (1) All prisoners, previously to being removed to ıy other prison, shall be examined by the Medical Officer. **Removal and discharge prisoners.**

(2) No prisoner shall be removed from one prison another unless the Medical Officer certifies that the isoner is free from any illness rendering him unfit for moval.

(3) No prisoner shall be discharged against his will ɔm prison, if labouring under any acute or dangerous stemper, nor until, in the opinion of the Medical Officer, ch discharge is safe.

CHAPTER V.

Discipline of Prisoners.

27. The requisitions of this Act with respect to the paration of prisoners are as follows:— **Separation of prisoners.**

(1) in a prison containing female as well as male isoners, the females shall be imprisoned in separate ildings, or separate parts of the same building, in such ınner as to prevent their seeing, or conversing or hold- ɜ any intercourse with, the male prisoners;

(2) in a prison where male prisoners under the age eighteen are confined, means shall be provided for ɔarating them altogether from other prisoners and for ɔarating those of them who have arrived at the age of berty from those who have not;

(3) unconvicted criminal prisoners shall be kept art from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from crimi- l prisoners.

28. Subject to the requirements of the last foregoing ɔtion, convicted criminal prisoners may be confined her in association or individually in cells or partly in e way and partly in the other. **Association and segregation of prisoners.**

29. No cell shall be used for solitary confinement less it is furnished with the means of enabling the soner to communicate at any time with an officer of ɔ prison, and every prisoner so confined in a cell for ɔre than twenty-four hours, whether as a punishment otherwise, shall be visited at least once a day by the dical Officer. **Solitary confinement.**

30. (1) Every prisoner under sentence of death shall, mediately on his arrival in the prison after sentence, be **Prison under senten of deat**

searched by, or by order of, the Jailer, and all articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners.

Maintenance of certain prisoners.

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private source at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-General.

Restriction on transfer of food and clothing between certain prisoners.

32. No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner, and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Supply of clothing and bedding to civil and unconvicted criminal prisoners

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

CHAPTER VII.

Employment of Prisoners

Employment of civil prisoners.

34. (1) Civil prisoners may, with permission of the Superintendent, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the

earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

Employment of criminal prisoners.

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing, of the Superintendent, be kept to labour for more than eight hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

Employment of criminal prisoners sentenced to simple imprisonment

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

CHAPTER VIII.

Health of Prisoner

37. (1) The names of prisoners desiring to see the Medical Officer or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoner to the Jailer.

(2) The Jailer shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer respecting alterations of the discipline or treatment of any such prisoner.

Record of directions of Medicals of Officer.

38. All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the Government may by rule direct, and the Jailer shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of the entry.

Hospital.

39. In every prison there shall be provided a suitable place for the accommodation and treatment of sick prisoners.

Power of Superintendent to send a prisoner to hospital for special treatment.

40. The Superintendent may, if in his opinion a prisoner requires special treatment in a hospital outside the prison or in a Mental Hospital send him to such hospital without requiring him to be in or under the custody or control of any prison officer but, subject to the prisoner or any relative or friend of the prisoner executing such bond and abiding by such other conditions, if any, as the Government may by rule or order prescribe. Any period during which the prisoner is undergoing treatment in such hospital or asylum or spent by him in going thereto or returning therefrom shall be deemed to be part of the period of his detention in the prison.

CHAPTER IX.

Visits to Prisoners.

Visits to civil and unconvicted criminal prisoners.

41. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial or prisoners intending to prefer an appeal or petition against their conviction, may see their duly qualified legal advisers without the presence of any other person.

Search of visitors.

42. (1) The Jailer may demand the name and address of any visitor to a prisoner, and, when the Jailer

has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Government may direct.

CHAPTER X.

Offences in relation to Prisons.

Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.

43. Whoever, contrary to any rule under section 61, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

Power to arrest for offence under section 43.

44. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police Officer, and thereupon such Police Officer shall proceed as if the offence had been committed in his presence.

Public of pena

45. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 43 and the penalties incurred by their commission.

CHAPTER XI.

PRISON-OFFENCES.

Prison-offences.

46. The following acts are declared to be prison-offences when committed by a prisoner :—

(1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 61 to be a prison-offence ;
(2) any assault or use of criminal force ;
(3) the use of insulting or threatening language ;
(4) immoral or indecent or disorderly behaviou
(5) wilfully disabling himself from labour ;
(6) contumaciously refusing to work ;
(7) filing, cutting, altering or removing hand-cuffs, fetters, or bars without due authority ;
(8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment ;
(9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment ;
(10) wilful damage to prison-property ;
(11) tampering with or defacing history-tickets, records or documents ;
(12) receiving, possessing or transferring any prohibited article ;
(13) feigning illness ;
(14) wilfully bringing a false accusation against any officer or prisoner ;
(15) omitting or refusing to report, as soon as i comes to his knowledge, the occurrence of an fire, any plot or conspiracy, any escape, attemp or preparation to escape, and any attack o preparation for attack upon any prisoner o prison-official ; and
(16) conspiring to escape, or to assist in escaping or to commit any other of the offences afore said.

47. The Superintendent may examine any perso hing any such offence, and determine thereupon an sh such offence by—

(1) a formal warning ;

Explanation.—A formal warning shall mean warning personally addressed to a prisoner b

the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;

(2) change of labour to some more irksome or severe form for such period as may be prescribed by rules made by the Government;

(3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment;

(4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Government;

(5) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(6) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(7) separate confinement for any period not exceeding two months;

Explanation.—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise er diem and to have his meals in association with one or ıore other prisoners;

(8) penal diet, that is, restriction of diet in such ıanner and subject to such conditions regarding labour as ıay be prescribed by the Government:

Provided that such restriction of diet shall in no ıse be applied to a prisoner for more than ninety-six ɔnsecutive hours, and shall not be repeated except ɔr a fresh offence nor until after an interval of one eek;

(9) cellular confinement for any period not exceedıg ten days:

Provided that after each period of cellular confineıent an interval of not less duration than such period must apse before the prisoner is again ınished by cellular confinement:

Explanation.—Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners;

(10) penal diet as defined in clause (9) combined with celular confinement:

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters.

Plurality of punishments under Section 47.

48. (1) Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely,—

(i) formal warning shall not be combined with any other punishment

(ii) penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with cellular confinement;

(iii) cellular confinement shall not be combined with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable;

(iv) no punishment shall be combined with any other punishment in contravention of rules made by the Government.

(2) No punishment shall be awarded for any such offence so as to combine with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.

Award of punishments under sections 47 and 48.

49. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector-General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Punishments to be in accordance with fore going sections.

50. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner, and no

punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Medical Officer to certify to fitness of prisoner for punishment.

51. (1) No punishment of penal diet, either singly or in combination, or of change of labour under section 47, clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if, he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion, in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

Entries in punishment book.

52. (1) In the punishment-book prescribed in section 12, there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, as also the substance of the evidence of the witnesses proving the offence or appearing for the defence, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment, the Jailer and the Superintendent shall affix their initials as evidence of the correctness of the entries.

Procedure on committal of heinous of

53. If any prisoner is guilty of any offence against prison-discipline which, by reason of his having frequently committed such offences or otherwise in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class having jurisdiction, together with a

statement of the circumstances, and such Magistrate shal thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which, such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 47:

Provided that the District Magistrate may transfer the case for inquiry and trial to any Magistrate of the first class: and

Provided also that no person shall be punished twice for the same offence.

Offences by prison subordinates.

54. (1) Every Jailer or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice, in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) No person shall, under this section, be punished twice for the same offence.

CHAPTER XII.

Temporary Release of Prisoners.

55. (1) The Government or any authority to which the Government may delegate its power in this behalf may, subject to such conditions as may be prescribed by rules made by the Government, release, temporarily for a period not exceeding ten days in a year excluding the time required for journeys and the days of departure from and the arrival at prison, any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for purposes of this Act and who has had more than three convictions.

(3) No person shall be released under sub-section (1) unless—

(a) he has, at the time of his release, served on half of his sentence including remission or period of not less than two years of his sentenc including remission, whichever is less;

(b) his conduct in prison has been good;

(c) twelve months have elapsed from the date c the expiry of the period of his previous releas under this section.

(4) The period of release of a prisoner under sub section (1) shall not count towards the total period of hi sentence.

56. (1) On the expiry of the period for which prisoner was released under sub-section (1) of section 5 he shall surrender himself to the officer in charge of th prison from which he was released.

(2) If a prisoner does not surrender himself a required by sub-section (1), he may be arrested by an police officer without a warrant and shall be remanded t undergo the unexpired portion of his sentence.

57. Any prisoner who does not surrender himself a required by sub-section (1) of section 56 shall be liabl upon conviction to be punished with imprisonment c either description for a term which may extend to tw years, or with fine, or with bo

CHAPTER XII.

MISCELLANEOUS.

58. A prisoner, when being taken to or from an prison in which he may be lawfully confined or wheneve he is working outside or is otherwise beyond the limits c any such prison in or under the lawful custody or contr of a prison-officer belonging to such prison, shall be deeme to be in prison and shall be subject to the sam incidents as if he were actually in prison.

59. Whenever the Superintendent considers necessary (with reference either to the state of the priso or the character of the prisoners) for the safe custody c any prisoners that they should be confined in irons, h may, subject to such rules and instructions as may be lai

down by the Inspector-General with the sanction of the Government, so confine them.

Prisoners not to be ironed by Jailer except under necessity.

60. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity in which case notice thereof shall be forthwith given to the Superintendent.

Power to make rules.

61. The Government may make rules consistent with this Act—

(1) defining the acts which shall constitute prison offences;

(2) determining the classification of prison-offences into serious and minor offences;

(3) fixing the punishments admissible under this Act which shall be awardable for commission of prison-offences or classes thereof;

(4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code as in force in Mysore may or may not be dealt with as a prison-offence;

(5) for the award of marks and the shortening of sentences;

(6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;

(8) for the classification of prisons and description and construction of wards, cells and other places of detention;

(9) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;

(10) for the government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this Act;

(11) as to the food, clothing and bedding of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;

(12) for the employment, instruction and control of convicts within or without prisons;

(13) for defining articles, the introduction or removal of which into or out of prisons without due

(14) for classifying and prescribing the forms of abour and regulating the periods of rest from labour;

(15) for regulating the disposal of the proceeds of ;he employment of prisoners;

(16) for the classification and the separation of ›risoners;

(17) for regulating the confinement of convicted ›riminal prisoners under section 28;

(18) for the preparation and maintenance of ıistory-tickets;

(19) for the selection and appointment of prisoners s officers of prisons;

(20) for rewards for good conduct;

(21) for regulating the transfer of prisoners whose erm of imprisonment is about to expire;

(22) for the treatment, transfer and disposal of riminal lunatics or recovered criminal lunatics confined n prisons;

(23) for regulating the transmission of appeals and etitions from prisoners and their communications with heir friends;

(24) for the appointment and guidance of visitors f prisons;

(25) for extending any or all of the provisions of ıis Act and of the rules thereunder to subsidiary jails or ›ecial places of confinement appointed under section 54 f the Code of Criminal Procedure, 1904, and to the fficers employed, and the prisoners confined, therein;

(26) in regard to the admission, custody, employ ıent, dieting, treatment, and release of prisoners, and fo: ;her purposes consistent with this Act, and

(27) generally, for carrying into effect the purposes this Act.

Exhibition of copies of rules.

62. Copies of Rules under section 61, so far as they fect the government of prisons shall be exhibited, both English and in the Vernacular. in some place to which l persons employed within a prison have access.

Exercise of powers of Superintendent and Medical Officer.

63. All or any of the powers and duties conferred ıd imposed by this Act on a Superintendent or Medical fficer may, in his absence, be exercised and performed by ch other officer as the Government may appoint in this half either by name or by his official designation.

N. MADHAVA RAU,
Dewan.

ACT No. XLV OF 1943.

THE MYSORE CHILDREN ACT, 1943.

(*Received the assent of His Highness the Maharaja on the 28th day of July* 1943.)

NOTIFICATION.

Order No. Rl. 196 *Legis.* 19-43-2, *dated Bangalore, the* 17*th August* 1943.

Ordered that the accompanying Mysore Children ct, 1943, which received the assent of His Highness the Maharaja, on the 28th day of July 1943, be published as ct No. XLV of 1943, in the *Mysore Gazette*, for general formation.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department

ACT No. XLV OF 1943.

THE MYSORE CHILDREN ACT 1943.

(*Received the assent of His Highness the Maharaja on the* 28*th day of July* 1943.)

WHEREAS it is expedient to make provision for the custody and protection of children and for the custody, trial and punishment of juvenile offenders;

It is hereby enacted as follows :—

PART I.

PRELIMINARY

1. (1) This Act may be called t 1943.

(2) It extends to the whole of Mysore.

(3) This section shall come into force at once. The vernment may, by notification in the official Gazette m time to time, apply the whole or any portion of this t to children or juvenile offenders or any class thereof any local area in Mysore from such date as may be cified in the notification, and may in like manner cancel modify any such notification.

(4) The Mysore Juveniles Act, XIV of 1939, is eby repealed.

2. In this Act, unless there is anything repugnant the subject or context—

(*a*) "Child" means a person under the age of six- n years and, when used with reference to a child sent a certified school, applies to that child during the whole iod of his detention, notwithstanding that the child y have attained the age of sixteen years

(*b*) "Juvenile offender" means any child who has n found to have committed an offence punishable with nsportation or imprisonment

(*c*) "certified school" means a school established under sub-section (1) or certified under sub-section (2) of Section 45 of this Act, or any other educational institution certified in this behalf by the Government;

(*d*) "guardian" in relation to a juvenile offender or child includes any person who, in the opinion of the court having cognizance of any proceedings in relation to the juvenile offender or child, or in which the juvenile offender or child is concerned has, for the time being, the actual charge of or control over the juvenile offender or child;

(*e*) "fit person" in relation to the care of any child includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children which undertakes to bring up or to give facilities for bringing up any child entrusted to its care in conformity with the religion of its birth;

(*f*) "place of safety" includes any orphanage, hospital, nursing home or any other suitable place or institution the occupier or manager of which is willing temporarily to receive a child; or, where such orphanage, hospital, nursing home or other suitable place or institution is not available, in case of a male child only a police station;

(*g*) "brothel" means any house, room or place or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purposes of prostitution;

(*h*) "prescribed", means prescribed by rules under this Act;

(*i*) "Juvenile court" means a separate court established under sub-section (1) of Section 55 of this Act, and includes a court hearing charges against children under sub-section (2) of that section;

(*j*) "caning" means the punishment authorised under the Whipping Act, 1903, and inflicted with a cane less than half an inch in diameter as directed by the Government under Section 392 of the Code of Criminal Procedure, 1904;

(*k*) "Probation Officer" means an officer appointed under Section 29.

3. The powers conferred on courts by this Act shall be exercised only by (*a*) the High Court, (*b*) a Court of Session, (*c*) a District Magistrate, (*d*) a Sub-Divisional

Magistrate, (*e*) any Magistrate of the First Class, (*f*) any Magistrate of the Second Class specially empowered by the Government to exercise all or any of such powers, (*g*) any Juvenile Court constituted under Section 55, and may be exercised by such courts whether the case comes before them originally or on appeal or for revision.

Procedure when Magistrate is not empowered to pass an order under this Act.

4. (1) When any Magistrate not empowered to pass an order under this Act is of opinion that a child brought before him is a proper person to be sent to a certified school or to be dealt with in any other manner in which the case may be dealt with under this Act, he shall record such opinion and submit his proceedings and forward the child to the District Magistrate to whom he is subordinate or the Magistrate presiding over the nearest Juvenile Court having jurisdiction in the case.

(2) The District Magistrate or the Magistrate presiding over the Juvenile Court to whom the proceedings are so submitted may make such further inquiry, if any, as he may think fit, and may pass such order dealing with the case as he might have passed if the child had originally been brought before or tried by him.

PART II.

MEASURES FOR THE CUSTODY AND PROTECTION OF CHILDREN WHO ARE DESTITUTES, ETC.

Children found homeless, destitute, etc.

5. (1) Any police officer or other person authorised in this behalf in accordance with rules made by the Government may bring before a court any person who, in his opinion, is a child and who—

(*a*) has no home, settled place of abode or visible means of subsistence, or has no parent or guardian who exercises regular and proper guardianship, or

(*b*) is found destitute and his parents or surviving parent or other guardian, or, in the case of an illegitimate child, his mother or other guardian, are or is, as the case may be, undergoing transportation or imprisonment, or

(*c*) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of such person, or

(*d*) frequents the company of any reputed thief or prostitute, or

(*e*) is lodging or residing in or frequenting a house used by a prostitute for the purgoses of prostitution, or

(*f*) is otherwise likely to fall into bad association or to be exposed to moral danger or to enter upon a life of crime:

Provided that when any such child has a parent or guardian who has the actual charge or control over the child, the police officer or other person as aforesaid shall, in the first instance, make a report to the nearest court or magistrate having jurisdiction under this Act. Such court or magistrate may call upon such parent or guardian to show cause why the said child should not, during the pendency of the proceedings, be removed from his care, and may, on suitable sureties being offered for the safety of such child and for his being brought before the court, permit the child to remain in the actual charge or control of his parents or guardian, or may order his removal till the court passes orders under this Act.

(2) The court before which a child is brought as coming within one of these descriptions shall examine the information and record the substance of such examination, and shall, if it thinks that there are sufficient grounds for inquiring further, fix a date for such inquiry.

(3) On the date fixed for the production of the child or for the inquiry, or on any subsequent date to which the proceedings may be adjourned, the court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order sending the child to a certified school should not be passed, and make any further inquiry it thinks fit.

(4) If the court is satisfied on the inquiry that such person is a child and is as described within the provisions of sub-section (1) and that it is expedient so to deal with him, the court may order him to be sent to a certified school or may order him in the prescribed manner to be committed to the care of a relative or other fit person named by the court, such relative or other person being willing to undertake such care until such child attains the age of eighteen years or for any shorter period.

(5) The court which makes an order committing a child to the care of a relative or other fit person may, when making such order, require such relative or other person to execute a bond, with or without sureties, as the court may require, to be responsible for the good

behaviour of the child and for the observance of such other conditions as the court may impose for securing that the child may lead an honest and industrious life.

(6) The court which makes an order committing a child to the care of a relative or other fit person under this section may, in addition, order that he be placed under the supervision of a probation officer or other person named by the court:

Provided that, when the magistrate thinks fit he may allow such child to remain in the custody of a parent or guardian with a direction that he be placed under the supervision of a probation officer or other person named by the court on such parent or guardian giving an undertaking with or without sureties in a prescribed form to the court, and the court may from time to time adjourn the inquiry and compel the production of the child in court to satisfy it that the said undertaking is being carried out.

6. Where the parent or guardian of a child proves to a court that he is unable to control the child and that he desires the child to be sent to a certified school, the court if satisfied on enquiry that it is expedient so to deal with the child and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

PART III.

OFFENCES AGAINST CHILDREN AND THEIR PREVENTION.

7. (1) Whoever having the actual charge of or control over a child abandons, exposes or wilfully neglects or ill treats such child in a manner likely to cause such child unnecessary suffering or injury to his health, shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) For the purposes of this section, injury to health includes injury to, or loss of, sight or hearing and injury to limb or organ of the body and any mental derangement, and a parent or other person legally liable to maintain a child shall be deemed to have neglected him in a manner likely to cause injury to his health if he wilfully fails to provide adequate food, clothing, medical aid or lodging for the child.

(3) A person may be convicted of an offence under this section notwithstanding the actual suffering or injury to health obviated by the action of another person.

(4) Nothing in this section shall be construed i take away or affect the right of any parent, teacher o other person having the lawful control or charge of a chi to administer punishment to such child.

Causing or allowing child to beg.

8. (1) Whoever for his own profit causes any chi or, having the actual charge of or control over a chil allows that child to be in any street, premises or plac for the purpose of begging or receiving alms, or of indu ing the giving of alms, shall be punishable with impriso ment of either description for a term which may exten to three months or with fine which may extend to or hundred rupees or with both.

(2) The Government may by notification in th official Gazette, exempt from liability to punishmer under this section any class of persons in any district o place where this Act may be in operation.

Penalty for being drunk while in charge of a child.

9. If any person is found drunk in any highway o other public place, whether a building or not, or on an licensed premises, while having the charge of a chil apparently under the age of seven years, and if such pe son is incapable, by reason of his drunkenness, of takin due care of the child, he may be arrested and shall, if th child is under that age, be punishable with fine whic may extend to fifty rupees.

Presumption as to age of child.

Explanation.—For the purposes of this section, child shall be deemed to be under the age of seven if i appears to the court to be under that age unless the cor trary is proved.

Penalty for giving intoxicating liquor to a child.

10. Whoever in any highway or other public plac whether a building or not, or on any licensed premise gives, or causes to be given, to any child any intoxicatin liquor except upon the order of a duly qualified medica practitioner, or in case of sickness or other urgent cause shall be punishable with fine which may extend to fift rupees.

Seizure by police officer of any bidis, cigarettes, tobacco or smoking mixture in possession of a child.

11. It shall be the duty of a police officer to seiz any bidis, cigarettes, tobacco or smoking mixture in th possession of a child whom he finds smoking in any stree or public place, and any bidis, cigarettes, tobacco o smoking mixture so seized shall be forfeited to Govern ment, and every such police officer shall be authorised t search any boy so found smoking but not a girl.

Penalty for inciting a child to bet or borrow.

12. Whoever, by words either spoken or written or by signs, or otherwise, incites or attempts to incite a child to make any bet or wager or to enter into or take any

share or interest in any betting or wagering transaction or so incites or attempts to incite a child to borrow money or to enter into any transaction involving the borrowing of money, shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Penalty for taking pawn from a child.

13. Whoever takes an article in pawn from a child, whether offered by that child on his own behalf or on behalf of any other person, shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Allowing child to be in brothel.

14. Whoever, having the actual charge of, or control over, a child between the ages of four and sixteen, allows that child to reside in or frequent a brothel, shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Causing or encouraging seduction, etc., of young girl.

15. (1) Whoever, having the actual charge of or control over, a girl under the age of sixteen years, causes or encourages seduction or prostitution of that girl or causes or encourages any one other than her husband to have sexual intercourse with her, shall be punishable with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

(2) For the purposes of this section, a person shall be deemed to have caused or encouraged the seduction or prostitution of, or the unlawful sexual intercourse, with a girl who has been seduced or become a prostitute or with whom such sexual intercourse has been had, if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of any prostitute or person of known immoral character.

Young girls exposed to risk of seduction, etc., or cruelly treated.

16. If it appears to a court on the complaint of any person that a girl under the age of sixteen is being treated with cruelty by her parent or guardian or that such girl with the knowledge of her parent or guardian is exposed to the risk of seduction or prostitution, or living a life of prostitution, the court may direct the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of such girl.

Detention of child in a place of safety.

17. (1) Any police officer not below the rank of Sub-inspector, or a police officer or a person authorised in this behalf in accordance with rules made by the Government,

may take to a place of safety any child in respect of whom an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, as in force in Mysore, has been, or there is reason to believe has been committed.

(2) A child so taken to a place of safety and also any child who seeks refuge in a place of safety may there be detained until he can be brought before the court, but such detention shall not, in the absence of a special order of the court, exceed a period of twenty-four hours exclusive of the time necessary for the journey from the place of detention to the court, and the court may make such order as is mentioned in the next following sub-section, or may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child has been determined by the conviction, discharge or acquittal of such person.

(3) Where it appears to the Court that an offence as aforesaid has been committed in respect of any child who is brought before the Court and that it is expedient in the interests of the child that an order should be made under this sub-section, the Court may make such order as circumstances may admit and require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against some person for having committed the offence and, if a charge is made against any person within that time, until the charge had bee determined by the conviction, discharge or acquittal c that person and, in case of conviction, for such furthe time not exceeding one month as the Court whic convicted may direct, and any such order may b carried out notwithstanding that any person claims th custody of the child.

18. (1) Where any person having the actual charg of or control over a child has been—

(*a*) convicted of committing in respect of such chil an offence punishable under this Act c under Chapter XVI of the Indian Pena Code, as in force in Mysore; or

(*b*) committed for trial for and such offence; or

(*c*) bound over to keep the peace towards such chil by any Cour

at Court may, either at the time when the person is s
nvicted, committed for trial or bound over or at an
her time order that the child be taken out of the charg
d control of the person so convicted, committed fo
al or bound over and be committed to the care of a
ative of the child or other fit person named by th
urt (such relative or other person being willing t
dertake such care) until he attains the age of eighteen
ars or for any shorter period, and that Court or any
urt of like jurisdiction may, of its own motion, or on th
plication of any person, from time to time by order
iew, vary and revoke any such order.

(2) The Court which makes an order committing
hild to the care of a relative or other fit person under
s section may require such relative or other person to
cute a bond, with or without sureties, to be responsible
the good behaviour of the child and for the observance
such other conditions as the Court may impose for
uring that the child may lead an honest and industrious
and, in addition, order that the child be placed under
supervision of a probation officer or other person named
the Court.

(3) If the child has a parent or guardian, no order
ll be made under this section unless—

(i) the parent or legal guardian has been convicted of or committed for trial for the offence or has been bound over to keep the peace towards the child or cannot be found ; or

(ii) the Court has reason to believe that the parent or legal guardian has either been party or privy to the offence or has by any act or omission facilitated the offence, or is otherwise unfit to have the care of the child:

Provided that, if the Court thinks fit, it may, on such
nt or guardian giving an undertaking with or without
ties in a prescribed form to the Court, allow such child
main in the custody of such parent or legal guardian
ect to the supervision of a probation officer or other
on named by the Court.

(4) Every order under this section shall be in
ng, and any such order may be made by the Court in
absence of the child and the consent of any person
ndertake the care of the child in pursuance of any
order shall be taken in such manner as the Court
think sufficient to bind him

(5) Where an order is made under this section and the conviction or order binding the person to keep the peace is set aside or the person is acquitted, the order shall forthwith be void except with regard to anything that may have been lawfully done under it.

(6) The Court may, instead of ordering the child to be committed to the care of a relative or other fit person, order that the child shall be sent to a certified school.

Warrant to search for child ill-treated.

19. (1) If it appears to a magistrate duly empowered under this Act, from information on oath or solemn affirmation laid by any person who in the opinion of the magistrate, is acting in the interests of a child, that there is reasonable cause to suspect that—

(*a*) the child has been or is being wilfully ill-treated or neglected in any place within its jurisdiction in a manner likely to cause the child unnecessary suffering or to be injurious to his health, or

(*b*) that an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, as in force in Mysore, has been or is being committed in respect of the child,

the magistrate may issue a summons in the first instance against the person or persons in whose care, custody or control such child is, to produce forthwith the said child in Court, or may issue a warrant authorizing any police officer named therein to search for such child, and, if it is found that he has been or is being wilfully ill-treated or neglected in manner aforesaid or that any offence as aforesaid has been or is being committed in respect of the child, to take him to and detain him in a place of safety until he can be brought before the magistrate, or authorizing any police officer to remove the child with or without search, to a place of safety and detain him there until he can be brought before the magistrate; and the magistrate before whom the child is brought may commit him to the care of a relative or other fit person in like manner as if the person in whose charge or control he was had been committed for trial [illegible] punishable under this Act:

Provided that, if the said child is in the custody or control of a parent or guardian who, being a female, does

not, according to the customs and manners of the count appear in public, the magistrate shall ordinarily issue summons, and the person to whom such summons issued shall be deemed to have complied with the summo if instead of personally attending in court she causes t said child to be produced in court.

(2) A magistrate issuing a warrant under tl section may, in his discretion by the same warrant, dir that any person accused of any offence in respect of t child be apprehended and brought before him or, dir that, if such person executes a bond with sufficie sureties for his attendance before the magistrate at specified time and thereafter until otherwise directed the magistrate, the officer to whom the warrant is direct shall take such security and shall release such pers rom custody.

The police officer executing the warrant shall ccompanied by the person laying the information if su person so desires, and may also, if the magistrate by whc he warrant is issued so directs, be accompanied by a du ualified medical practitioner.

(4) In any information or warrant under this se ion, the name of the child shall be given if known.

20. (1) If, in any case in which an information h een laid by any person under the provisions of sectic 9, the magistrate, after such inquiry as he may dee ecessary, is of opinion that such information was fal nd either frivolous or vexatious, the magistrate may, f easons to be recorded in writing, direct that compens on to such an amount not exceeding one hundred rupe s he may determine be paid by such informer to tl erson against whom the information was laid.

(2) Before making any order for the payment c ompensation, the magistrate shall call upon the informe show cause why he should not pay compensation an all consider any cause which such informer may show

(3) The magistrate may by the order directing pay ent of the compensation further order that in default c ayment the person ordered to pay such compensatio all suffer simple imprisonment for a period of thirty days

(4) When any person is imprisoned under sub ction (3), the provisions of sections 68 and 69 of th ndian Penal Code, as in force in Mysore, shall, so far a ay be apply

(5) No person who has been directed to pay com pensation under this section shall by reason of such orde be exempted from any civil or criminal liability in respec of the information given by him, but any amount paid a compensation shall be taken into account in any subse quent civil suits relating to such matter.

(6) An informer who has been ordered to pa compensation exceeding fifty rupees may appeal from th order as if such informer had been convicted on a tri held by the magistrate directing the payment of compe sation.

(7) When an order for the payment of compens tion is made in a case which is subject to appeal und sub-section (6), the compensation shall not be paid to th person ordered to receive it before the period allowed f the presentation of the appeal has elapsed or, if an appe is presented, before the appeal has been decided; and where such order is made in a case which is not subject to appeal, the compensation shall not be paid before the expiration of one month from the date of the order.

PART IV.

JUVENILE OFFEN-----

21. Where the person apparently under the age o sixteen years is arrested on a charge of a non-bailabl offence and cannot be brought forthwith before a court the officer in charge of the police station to which suc person is brought may in any case, and shall unless th charge is one of culpable homicide or any other offen punishable with death or transportation, release him o bail if sufficient security is forthcoming unless for reason to be recorded in writing the officer believes that suc release would bring him into association with any repute criminal:

Provided that, when any girl apparently under th age of sixteen years is arrested, the officer in charge of police station who has made the arrest or before whon the girl is produced shall release her at once if any perso who in his opinion is a sufficient surety enters into a bon for such sum of money as the officer considers sufficien to produce her before the court and to appear in her stea if required at the police station.

22. Where a person apparently under the age of sixteen years having been arrested is not released under section 21 or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner until he can be brought before a court.

23. A court, on remanding or committing for trial a child who is not released on bail, shall order him to be detained in the prescribed manner.

24. (1) Where a child is charged with any offence or is brought before a court on an application for an order to send him to a certified school, his parent or guardian may in any case, and shall, if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where the child is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child, if he can be found, to be warned to attend at the court before which the child will appear.

(3) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual charge of or control over the child:

Provided that if such parent or guardian is not the father, the attendance of the father may also be required.

(4) The attendance of the parent of a child shall not be required under this section in any case where the child was before the institution of the proceedings removed from the custody or charge o fhis parent by an order of a court.

(5) Nothing in this section shall be deemed to require the attendance of the mother or the female guardian of a child if such mother or female guardian does not according to the customs and manners of the country appear in public, but any such mother or female guardian may appear before the court by a pleader or agent.

25. Notwithstanding anything to the contrary contained in any law, no child shall be sentenced to death or transportation or committed to prison:

Provided that a child who is fourteen years of a[illegible] upwards may be committed to prison where the court

certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a certified school and that none of other methods in which the case may legally be dealt with is suitable.

No proceedings under Chapter VIII of Criminal Procedure Code against a child.

26. Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1904, no proceedings shall be instituted and no order shall be passed against a child under Chapter VIII of the said Code.

Commitment of child to a certified school.

27. (1) Where a child is found to have committed an offence punishable with transportation or imprisonment, the court, if satisfied on enquiry that it is expedient so to deal with the child, may order him to be sent to a certified school.

(2) Where prior to the commencement of this Act a juvenile offender has been sentenced to transportation or imprisonment, the Government may direct that in lieu of undergoing or completing such sentence he shall, if under the age of fourteen years, be sent to a certified school; and thereupon the offender shall be subject to all the provision of this Act as if he had been originally sentenced to detention in such school.

Power to discharge juvenile offender or to commit him to suitable custody.

28. (1) A court may, if it shall think fit, instead of directing any juvenile offender to be detained in a certified school, order him to be—

(*a*) discharged after due admonition, or

(*b*) released on probation of good conduct and committed to the care of his parent or guardian or other adult relative or other fit person, on such parent, guardian, relative or person executing a bond, with or without sureties, as the court may require, to be responsible for the good behaviour of the juvenile offender for any period not exceeding three years and for the observance of such other conditions as the court may impose for securing that the juvenile offender may lead an honest and industrious life. The court may order that the juvenile offender released under this clause be placed under the supervision of a probation officer.

(2) If it appears to the court, on receiving a report from the probation officer or otherwise, that the offender

has not been of good behaviour during the period of his probation, it may after making such enquiry as it deems fit, order the offender to be detained in a certified school.

29. (1) A probation officer shall be—

(*a*) any person appointed to be a probation officer by the Government, or

(*b*) any person appointed for this purpose by a society recognised in this behalf by the Government, or

(*c*) when there is no person appointed under clause (*a*) or (*b*), any other person appointed from time to time by the court for any particular case subject to general or special orders of the Government.

(2) A probation officer, in the exercise of his duties under any supervision order, shall be subject to the control of the District Magistrate of the district in which the court which passes any order under this Act in respect of the child is situate.

30. A probation officer shall, subject to the rules made under this Act and to the directions of the court—

(*a*) visit or receive visits from the child or the juvenile offender at such reasonable intervals as may be specified in the order passed by the court or subject thereto, as the probation officer may think fit;

(*b*) see that the relative of the child or the juvenile offender, as the case may be, or other person to whose care such child or juvenile offender is committed, observes the conditions of the bond;

(*c*) report to the court as to the behaviour of the child or the juvenile offender, as the case may be;

(*d*) advise, assist and befriend the child or the juvenile offender and when and where necessary, endeavour to find him suitable employment; and

(*e*) perform any other duty which may be prescribed.

31. (1) Where a child is found to have committed an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall if the child is under fourteen years of age, order that the fine be paid by the parent or guardian of the child, unless the court is

satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so; but save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

(4) A parent or guardian may appeal against any such order as if it had been an order passed in proceedings against himself.

32. (1) When a child is found to have committed an offence of so serious a nature that the court is of opinion that no punishment which, under the provisions of this Act, it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

(2) Notwithstanding the provisions of section 25, the Government may order any such child to be detained in such place and on such conditions as it thinks fit and while so detained the child shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child could have been sentenced for the offence committed.

Methods of dealing with children charged with offences.

33. (1) Where a child charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether—

(*a*) by discharging the offender after due admonition; or

(*b*) by committing the offender to the care of his parent, guardian, other adult relative, or other fit person, on such parent, guardian, relative or person executing a bond to be responsible

(*c*) by so discharging the offender and placing him under the supervision of a person named by the court; or

(*d*) by releasing the offender on probation of good conduct; or

(*e*) by sending the offender to a certified school; or

(*f*) by sentencing the offender to caning, administered by way of cuts not exceeding six on each hand in cases where the conduct of the offender has been such as to lead the court to believe that no other punishment would be effective; or

(*g*) by ordering the offender to pay a fine; or

(*h*) by ordering the parent or guardian of the offender to pay a fine; or

(*i*) where the offender is a child of fourteen years of age or upwards, by sentencing him to imprisonment; or

(*j*) by dealing with the case in any other manner in which it may legally be dealt with:

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

(2) Where a child is charged with an offence punishable with fine only, and is dealt with under clause (*g*) of sub-section (1), the court may in default of payment of fine order the offender to be sent to a certified school for a period not exceeding three years.

34. For the purpose of determining the sentence or order which a court ought to pass or make under this part against any person tried by or brought before it, the court shall, after recording its finding on the facts of the case, have regard to the character of the person and the circumstances in which he is living as disclosed by the facts of the case or, on further inquiry, by any other evidence or information.

PART V.

PROHIBITION OF PUBLICATION OF NAMES, ADDRESSES OR OTHER DETAILS CONCERNING CHILDREN INVOLVED IN OFFENCES.

35. (1) No report in any newspaper or news sheet of any offence by or against a child or of any proceedings in any court relating to such offence shall disclose the name, address or school, or include any particulars calculated to lead to the indentification of any such child, nor shall any picture be published as being or including a picture of any such child.

(2) Any person who publishes any report or picture in contravention of the provisions of this section shall be punishable with imprisonment of either description for a term not exceeding two months or with fine or with both.

PART VI.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO CERTIFIED SCHOOLS OR COMMITTED TO THE CARE OF RELATIVES OR OTHER FIT PERSONS.

36. (1) The court which makes an order for the detention of a child or Juvenile offender in a certified school or for the committal of a child or Juvenile offender, to the care of a relative or other fit person may make an order on the parent or other person liable to maintain the child, or Juvenile offender to contribute to his maintenance, if able to do so, in the prescribed manner.

(2) The court before making any order under section (1) shall inquire into the circumstances of the parent or other person liable to maintain the child or Juvenile offender and shall record the evidence, if any, in the presence of the parent or such other person as the case may be or, when his personal attendance is dispensed with, in the presence of his pleader.

(3) Any order made under this section may from time to time be varied by the court.

(4) The persons liable to maintain a child or Juvenile offender shall for the purpose of sub-section (1) include in the case of illegitimacy his putative father :—

Provided that where the child, or juvenile offende is illegitimate and an order for his maintenance ha been made under section 488 of the Code of Crimina Procedure, 1904, the court shall not ordinarily make a order for contribution against the putative father, bu may order the whole or any part of the payments accruin due under the said order for maintenance to such perso or persons as may be named, to be applied by him or them as the case may be, towards the maintenance of the chil or Juvenile offender.

(5) Any order under this section may be enforce in the same manner as an order under section 488 of th Code of Criminal Procedure, 1904.

37. The managers of a certified school to which child under the age of eight years is sent may, with th consent of the Chief Inspector, board the child out witl any suitable person until the child reaches the age of tei years and thereafter for such longer period, with the con sent of the Chief Inspector, as the managers consider to b advisable in the interest of the child, subject to the exercis by the managers of such powers as to supervision, recall and otherwise as may be prescribed; and where a child i so boarded out he shall nevertheless be deemed for th purposes of this Act to be a child detained in the schoól and the provisions of this Act shall apply accordingly subject to such necessary adaptations as may be made b the Government.

38. (1) Where a child or Juvenile offender i detained in a certified school, the managers of the schoo may at any time, with the consent of the Chief Inspector by licence permit the child or juvenile offender on th conditions prescribed in this behalf to live with any trust worthy and respectable person named in the licence willing to receive and take charge of him with a view to educate him or train for some useful trade or calling.

(2) Subject to the prescribed conditions, the Chie Inspector may, on the recommendation of the visitors o managers of a certified school, at any time after the expiration of six months from the commencement of the detention of a juvenile offender in a certified school, and if satisfied that there is a reasonable probability that the juvenile offender will abstain from crime and lead a usefu and industrious life, release such offender from the schoo and grant him a written licence in the prescribed form

ıd on the prescribed conditions, permitting him to live ıder the supervision and authority of such responsible erson or society approved by the Chief Inspector as may e willing to take charge of the offender.

(3) Any licence granted under sub-section (1) or (2) ıall be in force until revoked or forfeited by the breach any of the conditions on which it was granted.

(4) The managers of the school or the Chief Insector, as the case may be, may at any time by order in riting revoke any such licence, and order the child or ıvenile offender to return to the school and shall do so at ıe desire of the person or society with whom or under hose supervision the child or juvenile offender is licensed-) live. If the child or juvenile offender refuses or fails) return to the school, the managers of the school or the hief Inspector, as the case may be, may, if necessary, rrest or cause to be arrested, the child or juvenile offender ıd take him or cause him to be taken to the school.

(5) When a licence has been revoked or forfeited ıd the child or juvenile offender refuses or fails to return) the school, the court may, if satisfied by information on ıth or solemn affirmation that there is reasonable ground ɔr believing that his parent or guardian could produce the hild or juvenile offender, issue a summons requiring the arent or guardian to attend at the court on such a day as ıay be specified in the summons and to produce the child r juvenile offender, and, if he fails to do so without reaɔnable excuse, he shall, in addition to any other liability) which he may be subject under the provisions of this .ct, be punished with a fine which may extend to fifty ıpees.

(6) Where a parent or guardian is directed to pay a ne under this section, the amount may be recovered in ccordance with the provisions of the Code of Criminal 'rocedure, 1904.

(7) The time during which a child or juvenile ffender is absent from a certified school in pursuance of a .cence under this section shall be deemed to be part of he time of his detention in the school: provided that, vhere a child or juvenile offender has failed to return to he school on the licence being revoked or forfeited, the ime which elapses after his failure so to return shall be xcluded in computing the time during which he is to be etained in the school.

39. Whoever—

(*a*) knowingly assists or induces, directly o indirectly, a child or juvenile offender detained in o placed out on licence from a certified school or escap from the school or from any person with whom he i placed out on licence, or any child to escape from th person to whose care he is committed under the provision of this Act;

(*b*) knowingly harbours, conceals, or prevents fro returning to school or to any person with whom he i placed out on licence or to whose care he is committe under this Act, a child, or juvenile offender, who has s escaped, or knowingly assists in so doing—

shall be punishable with imprisonment of either description for a term which may extend to tw months or with fine which may extend to two hundre rupees, or with both.

40. The period for which a child or juvenile offender is to be detained in a certified school shall be specified in the order in pursuance of which he is sent there, and shall be such period not being less than two years in the case of a juvenile offender who at the date of the order is over the age of fifteen years and three years in the case of other juvenile offenders as to the court may seem proper of his teaching and training, but not in any case extending beyond the time when he will, in the opinion of the court, attain the age of eighteen years.

41. (1) The Government may at any time order a child or juvenile offender to be discharged from a certified school, either absolutely or on such conditions as the Government approves.

(2) The Government may order a juvenile offender over the age of sixteen years detained in a certified school to be transferred to a Borstal School established under the Mysore Borstal Schools Act, in the interest of discipline or for other special reasons:

Provided that the whole period of the detention of the child or juvenile offender shall not be increased by the transfer.

(3) Upon the transfer of a juvenile offender to a Borstal School under sub-section (2), the provisions of the he Mysore Borstal Schools Act shall apply to such offender as if he had been originally ordered to be detained in a Borstal School under that Act.

The Government may at any time in its discretion discharge a child from the care of any person to whose care he is committed under this Act, either absolutely or on such conditions as the Government approves, and may, if it thinks fit, make rules in relation to children so committed to the care of any person and to the duties of such person with respect to such children.

Transfer from one certified school to another.

42. The Chief Inspector may direct any child or juvenile offender to be transferred from one certified school to another:

Provided that the total period of detention of the child or juvenile offender shall not be increased by such transfer.

PART VII.

CERTIFIED SCHOOLS AND OTHER INSTITUTIONS.

Establish ment and certificati of schools

43. (1) The Government may establish and mai tain schools for the reception of children and juven offenders.

(2) The Government may certify that any sch or other educational institution not established unc sub-section (1) is fit for the reception of childern juvenile offenders.

Management of schools

44. (1) For the control and management of eve school established under sub-section (1) of section 43, superintendent and a committee of visitors shall appointed by the Government, and such superintende and committee shall be deemed to be the managers the school for the purposes of this Act.

(2) Every school certified under sub-section (2) section 43 shall be under the management of a governi body who shall be deemed to be the managers of t school for the purposes of this Act.

Inspection of schools.

45. (1) The Government may appoint a ch inspector of certified schools and such number inspectors and assistant inspectors as it thinks advisa to assist the chief inspector and every person so appoin to assist the chief inspector shall have such of the pow and duties of the chief inspector as the Governm directs but shall act under the direction of the ch inspector.

(2) Every certified school shall, at least once every six months, be inspected by the chief inspector certified schools, or by an inspector or assista inspector: provided that where any such school is for tl reception of girls only and such inspection is not ma by the Chief Inspector, the inspection shall, where pract cable, be conducted by a woman.

46. A certified school shall be liable to inspectic at all times and in all its departments by the Chi Inspector or inspector or assistant inspector.

47. Any registered medical practitioner empowere in this behalf by the Government may visit any certifie school at any time with or without notice to its manage in order to report to the Chief Inspector on the health the inmates and the sanitary condition of the school.

48. The Government, if dissatisfied with the cond tion, rules, management, or superintendence of a certifie school, may at any time by notice served to the manage of the school, declare that the certificate of the scho is withdrawn as from a time specified in the notice, an at that time the withdrawal of the certificate shall tak effect and the school shall cease to be a certified school:

Provided that the Government may, if it thinks fi instead of so withdrawing the certificate, by notice serve on the managers of the school, prohibit the admission c children or juvenile offenders to the school for such time a may be specified in the notice or until the notice is revoked

Provided also that, before the issue of notice unde this section or under the first proviso thereto, a reason able opportunity shall be given to the managers of th school to show cause why the certificate shall not b withdrawn or admission to the school shall not be prohi bited, as the case may be.

49. The managers of a certified school may, o giving six months' notice in writing to the Governmen through the Chief Inspector of their intention so to do, resign the certificates of the school, and accordingly a the expiration of six months from the date of the notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect, and the school shall cease to be a certified school.

50. A child or juvenile offender shall not be received into a certified school in pursuance of this Act after the date of the receipt by the managers of the school of a

notice of withdrawal of the certificate or after the date of a notice of resignation of the certificate; but the obligation hereinafter mentioned of the managers to teach, train, lodge, clothe and feed any children or juvenile offenders detained in the school at the respective dates aforesaid shall, except so for as the Government otherwise directs, continue until the withdrawal or resignation of the certificate takes effect.

D...al of inmates on withdrawal of registration Certifitate.

51. When a school ceases to be a certified school, the children or juvenile offenders detained therein shall be either discharged absolutely or on such conditions as Government may impose or transferred by order of the Government to some other certified school in accordance with the provisions of this Act relating to discharge and transfer.

Auxiliary homes.

52. The Government may establish auxiliary homes for reception of any inmates or any classes of inmates of certified schools or may certify any other such home heretofore established or which hereafter may be established by any other agency, and the certificates may be withdrawn or resigned in like manner as a certificate of a school, and every such home shall, for such purposes as are specified by the Government, be treated as part of the certified school or school to which it is attached.

Liabilities of managers.

53. The managers of a certified school not established by the Government may decline to receive any child or juvenile offender, proposed to be sent to them in pursuance of this Act, but when they have once accepted any such child or juvenile offender, they shall be deemed to have undertaken to teach, train, lodge, clothe and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school.

Inspection of institutions for reception of poor children.

54. (1) The Government may cause any institution for the reception of poor children supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of any department of the Government, to be visited and inspected from time to time at all reasonable hours, by persons appointed by it for the purpose of securing the health and welfare of the children and the sanitation of the premises.

(2) Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all registers, relating thereto for the aforesaid purposes. Any person who

obstructs him in the execution of his duties shall be liable on conviction to a fine not exceeding fifty rupees.

(3) Where any such institution is carried on in accordance with the principles of any particular religious denomination the Government shall, if so desired by the managers of the institutions, appoint, where practicable, a person of that denomination to visit and inspect the institutions.

(4) Where any such institution is for the reception of girls only, the inspection shall, where practicable, be conducted by a woman.

PART VIII.

JUVENILE COURTS.

Juvenile Courts.

55. (1) The Government may provide for the establishment in any area of one or more separate courts for the conduct of proceedings under this Act at which the attendance of the child is required:

Provided that, where a child is accused of an offence triable jointly with any other person not being a child, nothing in this sub-section shall affect or be deemed to affect the powers of the court to try such other person under any other law for the time being in force.

(2) Where no such separate court has been established, the court before which a child is brought shall, unless the child is tried jointly with any other person not being a child, whenever practicable sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART IX.

MISCELLANEOUS.

Provision as to religion.

56. (1) In determining the certified school which a child or juvenile offender is to be sent under this Act, the court shall ascertain the religious denomination of the child or juvenile offender and shall, if possible, select a school in which facilities are afforded for instruction in his religion.

(2) In determining the person to whose care a chil shall be committed under this Act, the Court shall ascer tain the religious denomination of the child, and shall, i possible, select a person of the same religious denomina tion or a person who gives such undertaking as seem to the court sufficient that the child will be brought up i accordance with the religion of the child and such religio shall be specified in the order.

(3) In any case where a child has been committe pursuant to any such order to the care of a person who i not of the religious denomination of the child or who ha not given such undertaking as aforesaid, the court whic made the order or any court of like jurisdiction shall, o the application of any person in that behalf and on it appearing that a fit person of the religious denominatio of the child or who will give such undertaking as aforesai is willing to undertake the care of the child, make a order committing him to the care of such fit person.

(4) When a child is committed to the care of certified school in which facilities for instruction in hi religion are not afforded or to a person who does not giv an undertaking that the child entrusted to him will b brought up in his religion (for want of a certified scho or person of the religion of the child), the court shall tak an undertaking from such school or such person that th child shall not be brought up in any religion other tha his own.

(5) Where a child is boarded out or where a chil or juvenile offender is permitted by license to live wit any other person, the manager of the school shall selec for this purpose a person of the same religion as the chil or juvenile offender, as the case may be, if such person i available, and if no such person is available then a perso who gives a satisfactory undertaking that the child juvenile offender shall be brought up in accordance wit the religion of such child, or juvenile offender, and if n such person is available then another person within th provisions of section 37 or 38, as the case may be.

(6) When a child has been committed to the ca of a person who gives an undertaking as aforesaid but t undertaking is not observed, the child shall be liable to removed from the care of such person and dealt wit according to the provisions of sub-section (3) of th section.

(7) Whenever any person interested in the religion of the child is informed of any attempt at conversion or tampering with his religion, he may apply to the court for an enquiry, and the court on being satisfied may issue an order removing the said child from the custody of such institution or person and hand over the custody to another fit person or institution.

57. When a child who has been brought before a magistrate under any of the provisions of this Act, is found to be suffering from a venereal or tubercular disease, the magistrate, if satisfied that medical treatment is necessary and the child will not otherwise get such treatment, may commit the child to an approved place for such period as he may think necessary, and may from time to time extend the said period.

58. When a child is found to have committed any offence, the fact that he has been so found shall not have any effect under Section 75 of the Indian Penal Code, or section 565 of the Code of Criminal Procedure, 1904, or operate as a disqualification for office or election under any law.

59. Any person to whose care a child is committed under the provisions of this Act shall, while the order is in force, have the like control over the child as if he were his parent, and shall be responsible for his maintenance, and the child shall continue in his care notwithstanding that he is claimed by his parent or any other person.

60. The provisions of Chapter XLII of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this Act.

61. (1) An appeal from an order made by a court under sections 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 18, 22, 36, 38, or 56 shall lie—

(a) if passed by a juvenile court, to a District Magistrate;

(b) if passed by any Magistrate, to the court of Session; and

(c) if passed by a Court of Session, to the High Court.

(2) No appeal shall lie from any order passed in any such appeal.

(3) Any order passed under the provisions of this Act and not subject to appeal under sub-section (1) may be revised by the High Court.

62. Without prejudice to the powers of courts of ppeal and revision, any custody order, supervision order r probation order may be amended by the court which ıade the order, in respect of the person named as custoian, supervisor or probation officer, the period of duration, nd such matters of detail as may be prescribed.

63. (1) The Government may take rules for the urpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the enerality of the foregoing, such rules may be made with egard to—

(*a*) the establishment and maintenance of certified schools and auxiliary homes, and the certification of schools as certified schools and of auxiliary homes;

(*b*) the management of certified schools and auxiliary homes;

(*c*) the appointment of visitors and their tenure of office;

(*d*) the inspection of certified schools;

(*e*) the maintenance, education and industrial training of the inmates of certified schools;

(*f*) the conveyance of juvenile offenders and children to certified schools;

(*g*) the grant of permission to the inmates of certified schools to absent themselves for short periods

(*h*) visits to and communication with the inmates of certified schools;

(*i*) the punishment of offences committed by the inmates of certified schools;

(*j*) the inspection of the institutions referred to in section 54;

(*k*) the manner of detention of children under arrest or remanded or committed for trial;

(*l*) the procedure to be adopted in any case or inquiry under this Act before any court other than a juvenile court;

(*m*) the persons who may be authorised to act under section 5 or 17;

(*n*) the manner in which a child may be committed to the care of relative or other fit person, and the duties of such persons and the supervision of such children;

(*o*) the conditions subject to which a juvenile offender may be released on licence under sub-section (2) of section 38 and the form and conditions of such licence;

(*p*) the manner in which the juvenile offender may be released on probation;

(*q*) matters incidental to the appointment, resignation and removal of probation officers and the remuneration and expenses payable to them;

(*r*) the duties of probation officers;

(*s*) the conditions on which societies may be recognized by the Government for providing probation officers;

(*t*) the contribution by parents and other persons liable to maintain juvenile offenders and children;

(*u*) the boarding out of children and the licensing and supervision of children and juvenile offenders and the submission reports regarding them;

(*v*) the procedure to be adopted in juvenile courts; and

(*w*) the time within which appeals under section 61 shall be filed.

(3) All rules made under this section shall be pub- in the official Gazette, and on such publication hall have the same effect as if enacted in this Act.

N. MADHAVA RAO,
Dewan.

ACT No. XLVI OF 1943.

THE MYSORE BORSTAL SCHOOLS ACT, 1943.

An Act to provide for the Establishment and Regulation of Borstal Schools in Mysore.

(Received the assent of His Highness the Maharaja on the 28th day of July 1943.)

Price Re.0-1-0.

NOTIFICATION.

Order No. Rl. 197 *Legis.* 19-43-3 *dated, Bangalore the* 17*th August* 1943.

Ordered that the accompanying Mysore Borstal Schools Act, 1943, which received the assent of His Highness the Maharaja, on the 28th day of July 1943, be published as Act No. XLVI of 1943, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT No. XLVI OF 1943.

THE MYSORE BORSTAL SCHOOLS ACT 1943.

An Act to provide for the Establishment and Regulation of Borstal Schools in Mysore.

(*Received the assent of His Highness the Maharaja on the 28th day of July 1943.*)

WHEREAS it is expedient to provide for the establishment and regulation of Borstal Schools in Mysore

It is hereby enacted as follows

PART I.

PRELIMINARY

1. This Act may be called the Mysore Borstal Schools Act 1943.— Short title.

2. (1) This Act shall apply to the whole of Mysore. Extent and commencement.

(2) It shall come into operation in any local area in Mysore on such date as the Government may, by notification in the official Gazette, appoint in this behalf.

3. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(*a*) "Borstal School" means a place in which offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;

(*b*) "Inspector-General" means the Inspector-General of Prisons and includes any officer appointed by the Government to perform all or any of the duties imposed by this Act on the Inspector-General; and

(*c*) "Prescribed" means prescribed by rules made under this Act.

(*d*) "Prohibited Article" means an article, the introduction or removal of which into, or out of, any Borstal Institution is prohibited by any rule under this Act.

Establishment of Borstal Schools.

4. (1) For the purposes of this Act, the Government may establish one or more Borstal Schools.

(2) For every Borstal School, a Visiting Committee shall be appointed in such manner as may be prescribed.

Application of the Prisons Act.

5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, the Prisons Act, and the Mysore Prisoners Testimony Act, 1894, and the rules framed thereunder shall apply in the case of every Brostal School established under this Act as if it were a prison and the inmates prisoners.

PART II.

COMMITTAL TO BORSTAL SCHOOLS.

Court may pass order for detention in a Borstal School.

6. When an offender is found guilty of an offence for which he is liable to be sentenced to transportation or imprisonment, or is liable to imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1904, whether any previous conviction is proved against him or not, and it appears to the Court—

(*a*) that the offender is not less than sixteen or, in any district or place in which the Mysore Children Act,—, is not in operation, less than fifteen nor more than twenty-one years of age; and

(*b*) that by reason of his criminal habits or tendencies or association with persons of bad character it is expedient that the offender should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation; it shall be lawful for the court, if empowered in this behalf, to pass, in lieu of a sentence of transportation or imprisonment, or of an order of imprisonment under Section 123 of the Code of Criminal Procedure, 1904, an order for the detention of the offender in a Borstal School for a term, which shall not be less than three years and shall not exceed five years, but in no case extending beyond the date on which the offender will, in the opinion of the court, attain the age of twenty-three years:

Provided that before passing such an order the court shall give an opportunity to the parents or guardians of

the said offender to be heard, and shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal School, and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid:

Provided further that no person who has been previously detained for the whole period prescribed in an order of detention or who has been transferred to prison under Section 13 of this Act, shall again be ordered to be detained.

Power of Government to exempt.

7. The Government may, by rules made under this Act, direct that any class or classes of persons specified in such rules shall not be ordered to be detained in a Borstal School.

Courts empowered to pass order for detention.

8. The powers conferred on courts by this Act shall be exercised only by the High Court, a Court of Session, a District Magistrate, a Sub-Divisional Magistrate, or a Magistrate of the First Class, and may be exercised by such courts whether the case comes before them originally, or on appeal, or in revision.

Procedure when Magistrate is not empowered to pass an order under this Act.

9. (1) When any Magistrate not empowered to pass an order for detention under this Act is of opinion that an offender who has been found guilty by him or who has failed to furnish the security which the Magistrate has ordered him to furnish under Chapter VIII of the Code of Criminal Procedure, 1904, is a proper person to be detained in a Borstal School, he may without passing any order, record such opinion and submit his proceedings and forward the offender to the District Magistrate to whom he is subordinate.

(2) The District Magistrate to whom the proceedings are so submitted may transfer the proceedings to any Magistrate subordinate to him competent to pass an order under this Act.

(3) The District Magistrate to whom the proceedings are so submitted or any Magistrate to whom the proceedings are so transferred may make such further inquiry (if any) as he may think fit, and may pass such order for the detention of the offender in a Borstal School, or such other sentence or order, as he might have passed if such offender had originally been brought before or tried by him.

Limitation of powers conferred by Section 6.

10. Any offender detained in a Borstal School for failure to furnish security when ordered to do so under Section 106 or Section 118 of the Code of Criminal Procedure, 1904, shall be released on furnishing such security or on the passing of an order under Section 124 of the said Code.

Transfer from prison to Borstal School.

11. The Inspector-General may, if satisfied that a person undergoing transportation or imprisonment in consequence of a sentence passed either before or after the commencement of this Act, being within the limits of age within which persons may be ordered to be detained in a Borstal School under this Act, might with advantage be detained in such school, direct him to be transferred from prison to a Borstal School, there to serve the whole or any part of the unexpired residue of his sentence, and whilst detained in such a school, the provisions of this Act shall apply to such person as if he had been originally ordered to be detained in a Borstal School.

Preliminary enquiry and findings as to age of offender.

12. (1) Before passing a sentence under Section 6, the court shall enquire into the age of the offender and after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be.

(2) A similar enquiry shall be made and finding recorded by every Magistrate not empowered to pass sentence under Section 6 before submitting his proceedings and forwarding of the offender to the District Magistrate as required by Sub-section (1) of Section 9.

Transfer of incorrigibles, etc., to prison.

13. (1) Where an offender detained in a Borstal School escapes or is reported to the Government by the Inspector-General in consultation with the Visiting Committee to be incorrigible or to exercise a bad influence on the other inmates of the school, the Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Government may determine, but in no case exceeding the shortest of the following three periods :—

(*a*) the unexpired residue of the term of detention ; or

(*b*) the maximum period of imprisonment provided by law for the offence of which the offender was found guilty or the failure to give security; as the case may be, in consequence of which

the offender was ordered to be detained in a Borstal School;

(c) the maximum period of imprisonment which the court that tried him had authority to award under the Code of Criminal Procedure, 1904.

(2) Such offender may be confined in any prison in Mysore by warrant under the hand of a Secretary to Government, and effect shall be given to such warrant and the sentence of imprisonment passed upon such offender shall be executed in the same manner as if such person had been sentenced by a competent court of criminal jurisdiction.

Government to determine the Borstal School in which a person shall be detained

14. (1) Every offender ordered to be detained in a Borstal School shall be detained in such Borstal School as the Government may, by general or special order, or in the prescribed manner, appoint for the reception of persons so ordered to be detained:

Provided that if accommodation in a Borstal School is not immediately available for such offender, he may be detained in a special ward, or such other suitable part of a prison as the Government may direct, until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal School.

Transfer from one school to another.

(2) The Inspector-General may order the transfer of any offender from any one Borstal School to any other Borstal School, provided that the whole period of his detention in a Borstal School shall not be increased by such transfer.

PART III.

RELEASE ON LICENSE.

Power to release on license

15. (1) Subject to the prescribed conditions, the Inspector-General may, on the recommendation of the Visiting Committee, at any time after the expiration of six months from the commencement of the detention of an offender in a Borstal School, if he is satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, discharge him from the Borstal School and grant him a written license in the prescribed form and on the

prescribed conditions permitting him to live under the supervision and authority or such—

(*a*) officer of Government,
(*b*) secular institution,
(*c*) religious society, or
(*d*) responsible person,

as may be approved by the Inspectorr-General and willing to take charge of the offender.

(2) A license under this section shall be in force until the expiry of the term for which the offender was ordered to be detained in a Borstal School, unless sooner revoked.

(3) The period during which an offender is absent from a Borstal School during the continuance of a license granted to him under this section shall, for the purposes of computing his term of detention in such school, be deemed to be part of that detention.

Revocation of license.

16. (1) Subject to the prescribed conditions, the Inspector-General may at any time, and shall, at the request of the institution, society or person under whose supervision and authority the offender has by license been permitted to live, revoke a license granted under Section 15, and upon such revocation the offender shall be detained in a Borstal School until the expiry of the term for which he was ordered to be detained in such school.

(2) If an offender removes himself from the supervision of the institution, society or person under which he was by license permitted to live, his license shall be deemed to have been revoked from the date on which he has so removed himself.

Subsequent supervision.

17. (1) When the Inspector-General and the Visiting Committee report that the conduct of any offender detained in a Borstal School has been such that it is expedient that he shall remain under supervision for a further period after the end of the term of detention, the Government may direct that he shall, on the expiration of the term of his detention, remain for a further period not exceeding one year under the supervision of such authority, society or person as the Inspector-General, subject to the rules made under this Act, may direct.

(2) The Government may also direct that any offender who is under supervision in accordance with subsection (1) shall again be detained in a Borstal School for such period as it may think fit, provided that the total

period of detention under this section shall not exceed one year.

18. No person shall be detained in a Borstal School after he has, in the opinion of the Government, attained the age of twenty-three years, or, if in any particular case the Government so directs, after he has attained the age of twenty-five years.

Period of detention.

19. Any offender who, in contravention of the provisions of this Act, has escaped from a Borstal School, or has escaped from the supervision of any authority, institution, society or person under whose supervision he has been directed to remain, or has been permitted to live by license under Section 15, may be arrested by any officer of Police without warrant and without the order of a Magistrate and sent back to the Borstal School or to such authority, institution, society or person, as the case may be, and his license shall be forfeited with effect from the date of his escape.

Arrest of offender escaping from Borstal School, or escaping from supervision.

PART IV.

Control and Management of Borstal Schools.

20. Subject to the orders of the Inspector-General and subject also to the rules made by the Government, the control and management of every Borstal School shall vest in a Superintendent appointed by the Government.

Management of Borstal Schools.

21. (1) (*a*) Every Visiting Committee appointed under sub-section (2) of Section 4 shall consist of the Sessions Judge, the District Magistrate, the District Educational Officer of the District in which the school is situated, and four non-official members appointed by the Government.

Constitution, powers and duties of Visiting Committees.

(*b*) The non-official members shall hold office for a period of two years, but shall be eligible for re-appointment on the expiry of that period.

(2) It shall be the duty of the Visiting Committee and its members—

(*a*) to visit the school either individually or collectively on such occasions as may be fixed by the rules made under this Act in that behalf for the purpose of ensuring that the provisions of this Act are duly given effect to;

(*b*) to make such suggsetions for the improvement of the training therein as are considered necessary and to report to the Government or to the Inspector-General from time to time any matter, which insir oply oinion, should receive attention and a thennuan the progress of the School;

(*c*) to interview the inmates immediately after their arrival and to make suggestions, if any as to the special training which each should receive;

(*d*) to consider cases of release on license under sub-section (1) of Section 15 placed before them by the Superintendent; and

(*e*) to consider such action as may be necessary in regard to the inmates whose term of detention is about to expire.

(3) Subject to such rules as may be made in that behalf by the Government, every member of the Committee shall be entitled to call for information from the Superintendent, to examine the records of the school, and to take such other action as he deems necessary for the due discharge of his duties.

Classification of inmates.

22. (1) The inmates of a Borstal School shall be divided by the Superintendent according to their industry and good conduct into four grades, namely—

(*a*) the penal grade,
(*b*) the ordinary grade,
(*c*) the star grade,
(*d*) the special star grade,

(2) The privileges of each grade shall be higher than those of the grade preceding, if any.

(3) Every inmate shall, on reception in a Borstal School, be placed in the ordinary grade.

(4) The Superintendent may promote or reduce any inmate from one grade to another in accordance with the provisions of sub-section (5), the rules made under this Act, and the general instructions of the Visiting Committee.

(5) Promotions and reductions shall be regulated by close personal observation of the inmates, and shall depend specially on their general behaviour, amenability

to discipline and attention to instruction, both literary and industrial.

Punishments for offences.

23. (1) The punishments which may be inflicted on an inmate of a Borstal School for offences specified in the Prisons Act,.....and the rules made thereunder shall be in the following forms and in no other :—

(i) formal warning,

(ii) extra drill,

iii) deprivation of any of the privileges of the grade,

iv) reduction in grade.

(v) penal diet, *i.e.*, restriction of diet in such manner and subject to such conditions as may be prescribed.

(2) No punishment shall be awarded to any inmate by any official of the school except by the Superintendent or in his absence the official exercising his functions.

Penalty for introduction or removal of prohibited articles.

24. Whoever, contrary to any rule under Section 27, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any Borstal Institution, or supplies or attempts to supply to any inmate outside the limits of such institution any prohibited articles, and every officer of a Borstal Institution who, contrary to such rule, knowingly suffers any such articles to be introduced into or removed from any Borstal Institution to be possessed by any inmate, or to be supplied to any inmate outside the limits of a Borstal Institution, and whoever, contrary to any such rules, communicates or attempts to communicate with any inmate, and whoever abets any offence made punishable under this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months or to fine not exceeding two hundred rupees or to both.

Limitation of hours of work.

25. No inmate of a Borstal School shall be made to work for more than eight hours a day:

Provided that extra drill awarded as a punishment under sub-section (1) of Section 23 shall not be deemed, for the purposes of this section, to be work.

Probation officers.

26. (1) For every inmate released under sub-section (1) of Section 15 there shall be a probation officer appointed by the District Magistrate in consultation, with the Borstal Association, if any, in the district [illegible]

school is situated or in the district wherein the inmate permanently resided at the time an order of detention was passed against him under Section 6.

(2) Two months prior to the release of any inmate, the Superintendent shall request the District Magistrate to appoint a suitable probation officer as provided in sub-section (1).

(3) The District Magistrate shall communicate all appointments of probation officers made under sub-section (1) to the Superintendent in sufficient time for the inmates concerned being informed of their respective probation officers before their release from the school.

Explanation.—For the purpose of this section, "District Magistrate" shall mean the District Magistrate of the district in which the inmate permanently resided at the time an order of detention was passed against him under Section 6.

PART V.

RULES.

27. (1) The Government may make rules for the regulation and management of any Borstal School and for the carrying into effect of the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or determine—

(*a*) the control and management of Borstal Schools established under this Act;

(*b*) the appointment, powers and duties of officials in such schools;

(*c*) the constitution, powers and duties of Visiting Committees;

(*d*) the classification, control, discipline, training, instruction and treatment of offenders ordered to be detained in a Borstal School and for the temporary detention of such offenders until arrangements can be made for sending them to such school;

(*e*) the regulation of visits to, and communication with, offenders detained in such school;

(f) the restriction or prohibition of the supply to, or possession by offenders detained in such school of any specified articles or kinds of articles;

(g) the period for which offenders or any class or classes of offenders may, within the limits fixed by this Act, be ordered to be detained in such school;

(h) the class or classes (if any) of offenders who shall not be ordered to be detained in such school;

(i) the form and conditions of licenses granted under Section 15;

(j) the supervision of offenders after the expiration of the term of their detention;

(k) the transfer of incorrigible offenders from a Borstal School to prison.

(l) the manner of detention of the accused under arrest or remanded or committed for trial.

(3) All rules made under this Act shall be published in the official Gazette, and on such publication shall have the same effect as if enacted in this Act.

PART VI.

APPEAL AND REVISIO

28. (1) For the purposes of appeal and revision under the Code of Criminal Procedure, 1904, an order of detention under Section 6 of this Act, shall be deemed to be a sentence of imprisonment for the same period.

(2) Any person affected by an order of the Inspector-General under this Act may appeal to the Government, whose orders shall be final.

PART VII.

MISCELLANEOUS.

29. The Government may at any time order the discharge of an inmate of any Borstal School either absolutely or subject to such conditions as it may think fit.

30. The detention of an offender in a Borstal School shall not be deemed to be a disqualification attaching to a conviction for any offence.

(Sd.) N. MADHAVA RAU

5. (1) Notwithstanding anything contained in any enactment for the time being in force, when—

(*a*) any male person is convicted of an offence not punishable with death or transportation for life, or

(*b*) any woman is convicted of an offence of any kind, if it appears to the Court by which the offender is convicted, that regard being had to the age, character, antecedents or physical or mental condition of the offender or to the circumstances in which the offence was committed, it is expedient that the offender should be released on probation of good conduct, the Court may, for reasons to be recorded in writing, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period not being less than one year and not exceeding three years as the Court may direct and in the meantime to keep the peace and be of good behaviour:

Provided that the Court shall not pass a probation order under this section unless it is satisfied that the offender or one of his sureties (if any) has a fixed place of abode or regular occupation and is likely to continue to have such place of abode or such occupation, within the local limits of its jurisdiction during the period of the bond:

Provided also that if a person under twenty-one years of age is convicted of any offence under the Indian Penal Code, as in force in Mysore, or any other enactments prescribed in this behalf under rules made by the Government, which is punishable with imprisonment not exceeding six months, the Court shall take action under this section, unless for special reasons to be recorded in writing, it does not consider it proper to do so.

(2) Where the offender appears to the Court to be under the age of twenty-five years, the Court may for reasons to be recorded in writing, make an order, hereinafter called a supervision order, directing that the bond to be entered into under sub-section (1) shall contain a condition that the offender shall be under the supervision of a probation officer named in the order during the period specified therein and such other conditions as in the

opinion of the Court may be necessary for securing such supervision:

Provided that the period so specified shall not extend beyond the date on which, in the opinion of the Court the offender shall attain the age of twenty-six years.

(3) While making a supervision order, the Court may also direct that the bond shall contain such additional conditions with respect to residence, abstertion from intoxicants and any other matters as the Court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or a commission of other offences by the offender.

(4) A Court making a supervision order shall furnish the offender with a written statement of the conditions which he is required to observe.

Power of court to require released offender to pay damages and costs, and recovery of such damages and costs.

6. (1) A Court directing the release of an offender under Section 4 or 5 may order the offender to pay such compensation for loss or injury caused to any person by the offence and such costs of the proceedings as the Court thinks reasonable:

Provided that the amount of compensation and costs so awarded shall in no case exceed the amount of fine which the Court could have imposed in respect of the offence.

(2) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under sub-section (1).

(3) The amount ordered to be paid under this section may be recovered as a fine in accordance with the provisions of Sections 386 and 387 of the Code.

Appeal and powers of Court in appeal and revision.

7. (1) Notwithstanding anything contained in the Code, except in cases in which the offender has pleaded guilty, or where the order is passed by the High Court, an appeal shall lie from an order of conviction in every case in which an order is passed under Section 4 or 5 to the Court to which appeals ordinarily lie under the Code.

(2) When an order has been made under Section 4 or 5 in respect of any offender, the High Court, on appeal when there is a right of appeal to such Court, or when

NOTIFICATION.

Order No. Rl. 198 *Legis.*—19-43-4, *Bangalore, dated the* 17*th August* 1943.

Ordered that the accompanying Mysore Probation Offenders Act, 1943, which received the assent of His Highness the Maharaja, on the 28th day of July 1943, be published as Act No. XLVII of 1943, in the *Mysore tte*, for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT No. XLVII OF 1943.

THE MYSORE PROBATION OF OFFENDERS ACT 1943.

An Act to provide for the Release on Probation of Offenders.

(*Received the assent of His Highness the Maharaja on the* 28*th day of July* 1943.)

WHEREAS it is expedient to provide for the release on probation of offenders in certain cases and for other matters incidental thereto;

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Probation of Offenders Act 1943.

(2) It extends to the whole of Mysore.

(3) This section shall come into force at once; and the Government may, by notification in the Official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in any local area on such date as may be specified in such notification.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) the "Code" means the Code of Criminal Procedure, 1904;

(*b*) "Court" means a Court empowered to exercise powers under this Act;

(*c*) "Probation order" means an order made under sub-section (1) of Section 5;

(*d*) "recognized society" means a society recognized by the Government for the purposes of Section 10

(*e*) "supervision order" means an order made under sub-section (2) of Section 5; and

(*f*) words and expressions used but not defined in this Act and defined in the Code shall have the meanings assigned to them in the Code.

Courts empowered to pass orders under the Act.

3. (1) The following Courts are hereby empowered to exercise powers under this Act, namely:—

(*a*) The High Court.

(*b*) A Court of Session,

(*c*) A District Magistrate.

(*d*) A Sub-Divisional Magistrate.

(*e*) A Magistrate of the First Class.

(*f*) Any other Magistrate specially empowered in this behalf.

(2) The powers conferred under sub-section (1) may be exercised by such Courts, whether the case comes before them originally or on appeal or in revision.

(3) Where any offender is convicted by a Magistrate not empowered to exercise powers under this Act, and such Magistrate is of opinion that the powers conferred by Section 4 or 5 should be exercised, he shall record his opinion to that effect and submit the proceedings to a Magistrate of the First Class or Sub-Divisional Magistrate forwarding the offender to, or taking bail for his appearance before such Magistrate, who shall dispose of the case in the manner provided by Section 380 of the Code.

Power of Court to release certain convicted offenders after admonition.

4. Notwithstanding anything contained in any enactment for the time being in force, in any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, or cheating, as defined in the Indian Penal Code, as in force in Mysore or of any offence punishable with not more than two years' imprisonment or fine or both and no previous conviction is proved against him, the Court by which he is so convicted may, if it thinks fit, having regard—

(*a*) to the age, character, antecedents or physical or mental condition of the offender, and

(*b*) to the nature of the offence or any extenuating circumstances under which the offence was committed

for reasons to be recorded in writing, instead of sentencing him to any punishment, release him after due admonition.

exercising its power of revision, set aside such an order anc in lieu thereof pass such sentence on such offende according to law:

Provided that the High Court shall not inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted.

8. (1) If the Court before which an offender is ound by his bond under Section 5 to appear and receive entence when called upon or any Court which could have ealt with the offender in respect of his original offence as reason to believe that the offender has failed to observe ny of the conditions of his bond, it may issue a warrant or his arrest or may, if it thinks fit, issue a summons tc he offender and his sureties, if any, requiring him or them o attend before it at such time as may be specified in the ummons.

(2) The Court before which an offender is brought r appears under sub-section (1) may either remand him tc ustody until the case is heard or admit him to bail, with r without sureties, to appear on the date of hearing.

(3) If the Court, after hearing the case, is satisfied hat the offender has failed to observe any of the conditions of his bond, including any conditions which may ave been imposed under sub-section (2) or sub-section 1) of Section 5, it may forthwith—

(*a*) sentence him for the original offence, or

(*b*) without prejudice to the continuance in force of the bond, impose upon him a fine not exceeding one hundred rupees:

Provided that the Court passing a sentence of fine nder clause (*a*) or (*b*) shall take into account the amount f compensation ordered to be paid under Section 6.

(4) If a fine imposed under clause (*b*) of sub-section 3) is not paid within such period as the Court may fix, ne Court may sentence the offender for the orginal ffence.

9. The provisions of Sections 122, 126, 126-A, 406-A, 14, 514-A, 514-B, and 515 of the Code, shall, so far as ıay be, apply in the case of sureties given under this Act.

10. (1) A probation officer named in a supervision rder may be—

(*a*) any person appointed to be a probation officer by the Government, or

(*b*) any person nominated for this purpose with the previous approval of the Government by a recognized society, or

(*c*) any other person who, in the opinion of the Court, is a fit person to act as a probation officer in the special circumstances of the case.

(2) A probation officer named under sub-section (1) shall be a person who shall possess such qualifications as may be prescribed by rules made in this behalf.

(3) A probation officer, in the exercise of his duties under any supervision order, shall be subject to control of the District Magistrate of the district in which the offender for the time being resides.

(4) The Court before which an offender is bound by his bond under Section 5 to appear and receive sentence when called upon, may at any time appoint another probation officer in place of the person named in the supervision order.

11. A probation officer shall, subject to the provisions of Section 10 and rules made under this Act and subject to the directions of the Court—

(*a*) visit or receive visits from the offender at such reasonable intervals as may be specified in the supervision order or, subject thereto, as the probation officer may think fit;

(*b*) see that the offender observes the conditions of the bond;

(*c*) report to the Court as to the behaviour of the offender;

(*d*) advise, assist and befriend the offender and, when necessary, endeavour to find him suitable employment; and

(*e*) perform any other duty which may be prescribed by rules made under this Act.

12. (1) The Court before which any person is bound by a bond under Section 5 to appear and receive sentence may at any time, upon the application of the probation officer or of its own motion, if it thinks that it is expedient that the terms or conditions of the bond should be varied, summon the offender to appear before it, and, if he fails to show cause why such variation should not be made, vary the terms of the bond by extending or

diminishing the duration thereof or by altering any of the conditions thereof or by inserting additional conditions therein:

Provided that in no case shall the duration of the bond be less than one year or more than three years from the date of the original order, and where a supervision order has been made under sub-section (2) of Section 5, the duration of the period of supervision shall not extend beyond the date on which, in the opinion of the Court, the offender shall attain the age of twenty-six years:

Provided further that, in the case of a bond with a surety or sureties, no such variation shall be made without the consent thereto of such surety or sureties, and that in the absence of such consent the Court shall in all such cases require the offender to enter into a new bond with or without sureties.

(2) Such Court may also, on application made by the probation officer or of its own motion, on being satisfied that the conduct of the offender has been such as to make it unnecessary that he should be kept any longer under supervision, discharge the bond.

13. Any person who is found guilty of an offence and is dealt with under the provisions of this Act shall not suffer any disqualification attaching to a conviction for the offence:

Provided that this Section shall not apply to a person released on probation if subsequent to such release he was sentenced under sub-section 3 of Section 8 or a penalty was imposed on him under that sub-section.

14. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules—

(*a*) regulating the appointment, resignation and removal of probation officers and prescribing the qualifications of such officers;

(*b*) prescribing and regulating the duties of probation officers;

(*c*) regulating remuneration and expenses payable to probation officers;

(*d*) specifying conditions on which societies may be recognized for the purposes of clause (*b*) of sub-section (1) of Section 10; and

(*e*) prescribing the enactments referred to in the second proviso to Section 5 (1).

(3) All rules made under this section shall be blished in the official Gazette, and on such publication all have the same effect as if enacted by this Act.

15. In any area in which this Act is in force, no urt shall make an order under Section 562 of the Code respect of any first offender.

16. Nothing in this Act shall affect the provisions the Mysore Children Act, 1943, or the Mysore Borstal hools Act, 1943.

N MADHAVA RAU,
Dewan.